

## **Wandsworth Borough Council**

### **Environment & Community Services Department**

#### **Parks & Events Police Enforcement Policy**

##### **1. Purpose**

The purpose of this Enforcement Policy (“the Policy”) is to identify the enforcement options that may be taken in respect of the enforcement activities of the Parks & Events Police and related matters.

##### **2. Enforcement activities covered by this Policy**

The Parks & Events Police Service are authorised to:

- (a) enforce Greater London Council and Wandsworth Borough Council byelaws relating to parks, commons, open spaces;
- (b) enforce byelaws and regulations relating to cemeteries, allotments, swimming pools, leisure centres and libraries;
- (c) enforce the provisions of section 2 of the Dogs Acts 1871 (dogs under proper control);
- (d) enforce the provisions of section 149 of the Environmental Protection Act 1990 (stray dogs)
- (e) enforce the provisions of the Dangerous Dogs Act 1991;
- (f) enforce the provisions of article 2 of the Control of Dogs Order 1992 (wearing of collars by dogs);
- (g) enforce the provisions of section 54 of the Metropolitan Police Act 1839 (nuisances in relation to animals);
- (h) enforce the provisions of section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 (Dog Control Public Space Protection Orders);
- (i) enforce the provisions of section 9 of the Animal Welfare Act 2006 (protection of animal welfare);
- (j) enforce the provisions of section 34 of the Road Traffic Act 1988 (prohibition of driving mechanically propelled vehicles elsewhere than on roads);
- (k) issue Community Protection Notices under the provisions of sections 43 and 53 of the Anti-social Behaviour, Crime and Policing Act 2014;

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- (l) exercise the powers of constables for enforcing all enactments relating to open spaces under the control or management of the Council and of byelaws and regulations made in accordance with such provisions. Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 applies;
- (m) exercise powers of arrest without warrant under the provisions of section 24 and section 24A of the Police and Criminal Evidence Act 1984, as amended by the Serious Organised Crime and Police Act 2005;
- (n) enforce the provisions on litter, refuse and waste, arising from the Clean Neighbourhoods and Environment Act 2005, provided that such officers as shall be specified in writing by the Director of Environment & Community Services to take such enforcement action shall carry and produce an “Authorisation Card” whenever exercising this authority; and
- (o) enforce the litter offences provisions of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005), provided:
  - (i) that such officers as shall be specified in writing by the Director of Environment & Community Services shall also be empowered to exercise these functions under the direction of the Director;
  - (ii) that such officers as shall be authorised in writing by the Director to take such enforcement action shall carry and produce an “Authorisation Card” whenever exercising this authority; and
  - (iii) that such trained enforcement officers in other Departments as shall be authorised in writing by the Director of Environment & Community Services, subject to the approval of the employing Director, shall (remaining under the direction of their employing Director) also be empowered to exercise these functions.
- (p) grant, refuse or revoke multiple dog walking licences.
- (q) **enforce the provisions of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 (Article 1: Anti-social Behaviour caused by Drinking Alcohol in a Public Space);**
- (r) **enforce the provisions of section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 (Article 2: Use of Novel Psychoactive Substances in a Public Space)**

### 3. Authorisation

Only officers authorised in writing, by the Director of Environment & Community Services, as Parks & Events Police Officers may undertake enforcement duties as specified within this Enforcement Policy. Such authorised officers are referred to as “Enforcement Officers” in the remainder of this Policy.

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### 4. Training

All Enforcement Officers shall be suitably trained to ensure that they are competent to undertake their enforcement duties.

### 5. Powers of Arrest

Parks & Events Police Constables are sworn constables under Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 with powers to enforce all enactments relating to open spaces under the control or management of the Council and byelaws and regulations made in accordance with such provisions. These powers shall only be exercised where the enforcement officer is in uniform or has been provided with a warrant. The power of arrest without warrant can be exercised as provided for by the provisions of section 24(5) of the Police and Criminal Evidence Act 1984, as amended by the Serious Organised Crime and Police Act 2005.

Parks & Events Police Constables are also authorised to exercise powers of arrest without warrant under the provisions of section 24A of the Police and Criminal Evidence Act 1984, as amended by the Serious Organised Crime and Police Act 2005 (*'any persons powers'*).

The above powers of arrest will only be used where they are necessary, appropriate and proportionate.

### 6. Investigation of Offences

In pursuing an investigation and determining appropriate enforcement action, Enforcement Officers must have regard to relevant legislation and guidance, including:

- (a) the Code for Crown Prosecutors (available from the Crown Prosecution Service, Information Branch, 50 Ludgate Hill, London EC4M 7EX, Tel: 020 7796 8000, or online: [www.cps.gov.uk/publication/code-crown-prosecutors](http://www.cps.gov.uk/publication/code-crown-prosecutors));
- (b) the Criminal Procedure and Investigations Act 1996; and Code of Practice;
- (c) the Police and Criminal Evidence Act 1984 (PACE) and Codes of Practice;
- (d) the Regulation of Investigatory Powers Act 2000; and
- (e) the Regulators' Code (available from the Office for Product Safety and Standards, Tel: 0121 345 1201 or online: [hwww.gov.uk/government/publications/regulators-code](http://hwww.gov.uk/government/publications/regulators-code)).

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### 7. Enforcement Options

Enforcement decisions shall be proportionate, fair, consistent, equitable and transparent. The range of enforcement options that may be taken are outlined below. These options are not listed in order of priority and any option may be appropriate taking into account the circumstances of the matter.

The Chief Officer or Deputy Chief Officer of the Parks & Events Police (“the Chief Officer or Deputy Chief Officer”) must authorise all enforcement action taken, unless otherwise so specified below.

### 8. Fixed Penalty Notices

Enforcement Officers are empowered to issue Fixed Penalty Notices (FPNs) in respect of the following:

- (a) offences against the Greater London Council Parks, Gardens and Open Spaces Byelaws under the provisions of London Local Authorities Act 2004;
- (b) offences against the Wandsworth Borough Council Byelaws for Pleasure Grounds, Public Walks and Open Spaces under the provisions of London Local Authorities Act 2004;
- (c) offences against Dog Control Public Space Protection Orders contrary to section 67 of the Anti-social Behaviour, Crime and Policing Act 2014; and
- (d) the offence of leaving litter contrary to section 87 of the Environmental Protection Act 1990.
- (e) **the offence of Article 1: Anti-social Behaviour Caused by Drinking Alcohol in a Public Space contrary to section 63 of the Anti-social Behaviour, Crime and Policing Act 2014; and**
- (f) **the offence of Article 2: Use of Novel Psychoactive Substances in a Public Space contrary to section 67 of the Anti-social Behaviour, Crime and Policing Act 2014**

Enforcement Officers may issue such notices as an alternative to taking prosecution action. The Enforcement Officer is authorised to issue a FPN at the time of the alleged offence. Alternatively, a FPN may be determined to be the appropriate form of disposal following review by the Chief Officer or Deputy Chief Officer. Any person who has been given the opportunity to pay a FPN but has failed to make payment, within the specified payment period, will be prosecuted subject to a review of the case.

### 9. Cautionary Letters

The Chief Officer or Deputy Chief Officer may issue cautionary letters as an alternative to prosecution. Such letters will provide details of the alleged offence and warn the recipient that they may be prosecuted if they are alleged to have committed a similar offence at any time in the future. However, for the avoidance of any doubt,

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there is no requirement for such a cautionary letter to have been sent before a case may be considered for immediate prosecution action.

### **10. Verbal / Written Warnings**

Enforcement Officers may, as an alternative to more formal enforcement action, issue a verbal or written warning at the time of the alleged offence. Such means of disposal will be recorded by the Enforcement Officer.

### **11. Cases where 'No Further Action' is agreed**

Following review of the circumstances and evidence, the Chief Officer or Deputy Chief Officer may decide that no further action or caution needs to be taken. Written notification will be sent to the alleged offender to notify them that no further action is being taken against them.

### **12. Prosecution**

Any person who has been reported by the Enforcement Officer for possible enforcement action for any offence which falls within the terms of this Policy, may be prosecuted. Prosecution action shall only be taken where the evidential and public interest tests contained within the Code for Crown Prosecutors have been satisfied. For the avoidance of any doubt, there is no requirement for any alternative form of enforcement action to have first been taken before prosecution action is considered to be appropriate.

### **13. Enforcement Decisions**

The factors which may be taken into account in deciding upon what, if any, enforcement action is taken include those outlined below. No one factor should be considered to be determinative, or to be of greater importance than any other:

- (a) the seriousness of the offence;
- (b) prevalence of the offence and impact on the community of the type of offence;
- (c) non-cooperation with the Enforcement Officer(s);
- (d) pre-meditation on the part of the alleged offender and that is clearly shown within the evidence;
- (e) whether the reporting of the alleged offender was part of a planned proactive enforcement initiative whereby advanced warning had been given that such enforcement action would be taking place;
- (f) the past history of the offender;
- (g) the likely effectiveness of the enforcement actions;
- (h) the strength of evidence;

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- (i) the public interest; and
- (j) the age of the offender: as a general rule, formal enforcement action will not be taken against anyone under the age of 18, but this will be entirely dependent on the nature of the offence and consideration of the factors above.

### **14. Record Keeping**

A record of taking any enforcement option, outlined above, will be recorded on the Parks & Events Police Service enforcement database.

### **15. Refusal to Grant, Revocation and Variation of a Multiple Dog Walking Licence**

The Council has made a Multiple Dog Walking Byelaw which controls the number of dogs which can be walked by an individual in parks and open spaces in Wandsworth. Under the Byelaw a Multiple Dog Walking Licence ("Licence") is required by anyone walking more than four dogs at a time.

The Chief Officer or Deputy Chief Officer may refuse to grant a Licence if they are not satisfied that the applicant is a responsible dog walker. The factors that may be taken into account in making this assessment include the following:

- (a) where the applicant has had a previous Licence revoked, the circumstances of that revocation, length of time since revocation, and the conduct of the applicant since any such revocation of a Licence;
- (b) where the applicant has any dog related conviction, the circumstances of that conviction, length of time since the conviction and their conduct since such a conviction;
- (c) where the applicant has any park and open space byelaw conviction, the circumstances of that conviction, length of time since the conviction and their conduct since such a conviction;
- (d) where the Parks & Events Police have given the applicant a verbal or written warning about their conduct, the circumstances of that warning, length of time since the warning and their conduct since such a warning;
- (e) where the applicant has been found to have been causing nuisance or distress to other park users;
- (f) where the applicant has failed to provide proof of the necessary level of public indemnity insurance; or
- (g) any other relevant matter which, in the reasonable opinion of the Chief Officer or Deputy Chief Officer, indicates that the applicant will not be a responsible dog walker.

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Any appeal against a refusal must be made, in writing to the Director of Environment & Community Services, within 21 days of receipt of written notification of the refusal.

The Chief Officer or Deputy Chief Officer may revoke a Licence or may reduce the number of dogs which a Licence holder may exercise at any given time or vary the time and venue of walks permitted under the terms of the Licence. The factors that may be taken into account in making this decision include the following:

- (a) the Licence holder is convicted of any dog related offence and their conduct since such a conviction;
- (b) the Licence holder is convicted of any park and open space byelaw offence and their conduct since such a conviction;
- (c) the Licence holder is found to have breached the Multiple Dog Walking Licence Code of Conduct;
- (d) the Parks & Events Police Service have given the Licence holder a verbal or written warning about their conduct;
- (e) the Licence holder has been found to have been causing nuisance or distress to other park users; or
- (f) any other matter which the Chief Officer or Deputy Chief Officer reasonably considers to be relevant.

Any appeal against a revocation or variation of a Licence must be made, in writing to the Director of Environment & Community Services, within 21 days of receipt of written notification of the revocation or variation.

### **16. Responsibilities**

The Chief Officer is responsible for reviewing and monitoring this Policy.

Where authorisation levels are specified in this Policy these are considered to be the lowest level at which authorisation can be given.

All Enforcement Officers of the Parks & Events Police have individual responsibility for compliance with this Policy.

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