



RECORD OF DELEGATED OFFICER DECISION

Key Decision



SUBJECT:

Public Spaces Protection Order (Dog Controls - Aberdare Public Park)

PURPOSE OF REPORT:

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Service Director Public Health & Protection as described below;

The purpose of the report is to seek authority to consult on the proposal to make a Public Spaces Protection Order (PSPO) to introduce a requirement that dogs be kept on leads at all times in Aberdare Public Park.

DELEGATED DECISION (1st August 2017)

The Council undertakes a four-week focussed consultation exercise on the proposal to make a Public Spaces Protection Order (PSPO) to introduce a requirement that dogs be kept on leads at all times in Aberdare Public Park.

A further report is presented to the Cabinet for decision detailing the responses to the public consultation once completed.

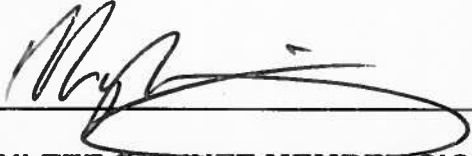

Chief Officer Signature

PAUL JEFF
Print Name

2/8/17
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

CONSULTATION



CONSULTEE CABINET MEMBER SIGNATURE

02/08/2017

DATE

CONSULTEE OFFICER SIGNATURE

DATE

CALL IN PROCEDURE RULES.

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YES NO ✓

Reason for urgency:.....

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Mayor)

.....
(Dated)

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

FOR CABINET OFFICE USE ONLY

PUBLICATION & IMPLEMENTATION DATES

PUBLICATION

Publication on the Councils Website:- 2/8/17

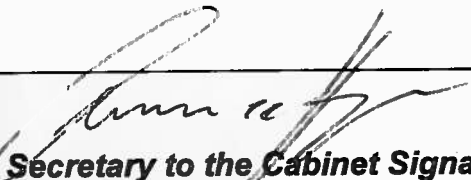
DATE

IMPLEMENTATION OF THE DECISION

Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Subject to Call In the implementation date will be 10/8/17

DATE

 Secretary to the Cabinet Signature	CHRISTIAN SS HANDMAN Print Name	<u>2/8/17</u> Date
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Further Information

Directorate:	Public Health & Protection
Contact Name:	Paul Mee
Designation:	Service Director, Public Health & Protection
Tel.No.	01443 425513

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

**REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR
FOR PUBLIC HEALTH & PROTECTION**

1ST AUGUST 2017

**PUBLIC SPACES PROTECTION ORDER
(DOG CONTROLS - ABERDARE PUBLIC PARK)**

**AUTHOR: Paul Mee, Service Director Public Health & Protection
Tel. No. 01443 425513**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek authority to consult on the proposal to make a Public Spaces Protection Order (PSPO) to introduce a requirement that dogs be kept on leads at all times in Aberdare Public Park.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 The Council undertakes a four-week focussed consultation exercise on the proposal to make a Public Spaces Protection Order (PSPO) to introduce a requirement that dogs be kept on leads at all times in Aberdare Public Park.
- 2.2 A further report is presented to the Cabinet for decision detailing the responses to the public consultation once completed.

3 REASONS FOR RECOMMENDATIONS

- 3.1 A Public Spaces Protection Order (PSPO) would allow the Council to introduce a requirement that dogs be kept on leads at all times in Aberdare Public Park. This requirement would be consistent with existing provisions that have been in place since 1866 and with the expectations of many users of the park. To make a PSPO the Council must undertake the necessary consultation, the necessary publicity and the necessary notification as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

4. BACKGROUND

- 4.1 On 22nd June 2017, Cabinet determined to make a PSPO for the control of dogs in Rhondda Cynon Taf. This PSPO will introduce a number of prohibitions and requirements from 1st October 2017, namely:

- (i) The prohibition of Dog Fouling in all Public Places within Rhondda Cynon Taf;
- (ii) A requirement for a person in charge of a dog to keep that dog on a lead at all times in Cemeteries owned and/or maintained by the Council;
- (iii) A requirement for a person in charge of a dog at all times to carry bags or other suitable means for the disposal of dog faeces;
- (iv) A requirement for a person in charge of a dog to follow a direction given by an Authorised Officer, if they deem reasonably necessary, that a dog be put and kept on a lead in a Public Place within Rhondda Cynon Taf for such period and/or in such circumstances as directed by the Authorised Officer; and
- (v) A prohibition excluding dogs from all Schools, Playgrounds and Marked Sports Pitches owned and/or maintained by the Council.

4.2 The Council is aware that in relation to Aberdare Public Park, there is an existing byelaw dating from 1866 that includes a provision that "a dog shall be led with a string while in the park". This has had the effect that many in the local community have become accustomed to and expect dogs to be kept on a lead at all times in Aberdare Public Park. This requirement does not apply in other public parks across Rhondda Cynon Taf.

4.3 An existing byelaw that prohibits, by the creation of an offence, an activity regulated by a PSPO is of no effect in relation to the restricted area during the currency of the PSPO, which takes precedence. Therefore, the requirement of the 1866 byelaw that "dogs be led with a string while in the park" will be of no effect for the duration of the PSPO.

4.4 Any person offending against the 1866 byelaw shall be liable to a penalty not exceeding £2. The provisions of the 1866 byelaw do not provide a meaningful deterrent and are effectively unenforceable; however, many users of Aberdare Public Park expect dogs to be kept on a lead within the park and have expressed concern that this requirement will be of no effect once the PSPO comes into force. The Council may consider making a further PSPO that would introduce a further requirement that dogs be kept on a lead at all times while in Aberdare Park.

4.5 The penalty for committing an offence of failing to comply with a PSPO without reasonable excuse is a maximum fine of level 3 on the standard scale (currently £1,000). Alternatively, the opportunity to pay a fixed penalty fine up to a maximum of £100 may be offered in place of prosecution.

4.6 The Council may make a PSPO, provided that the statutory criteria set out in the Act are met and that the proposed restrictions are proportionate, having regard to the legitimate aim of preserving the quality of life for people accessing and using the land in question.

4.7 The Act requires that before it can make a PSPO the Council must carry out the necessary consultation, the necessary publicity and the necessary notification as follows:

4.8 The "*necessary consultation*" means consulting with:

- a) The Chief Officer of Police for the area;
- b) Whatever community representatives the local authority thinks it appropriate to consult;
- c) The owner or occupier of the land within the restricted area (this does not apply to land that is owned and occupied by the local authority).

4.9 The "*necessary publicity*" means:

- a) In the case of a proposed order, publishing the text of it;

4.10 The "*necessary notification*" means notifying the following authorities of the proposed order:

- a) The parish Council or community Council (if any) for the area that includes the restricted area.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1 The Council must be able to demonstrate that a PSPO is a necessary and proportionate response to the problems caused by the activities of dogs and those in charge of them. The Council is required to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs.

5.2 This must take into consideration the need for people, particularly children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.

5.3 Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. The Council will need to consider whether there are suitable alternatives for dogs to be exercised without restrictions.

5.4 Consideration should also be made on how any restrictions affect those who rely on assistance dogs. Should the Council choose to make a PSPO, an exemption may be included within the Order for people with a disability. The Order should also not apply to the normal activities of working dogs, such as those used by the emergency services.

- 5.5 An Equality and Impact Assessment will be required prior to making the Order. This will be included in a further report to Cabinet, taking into consideration the outcomes of the public consultation.

6. CONSULTATION

- 6.1 It is proposed that the Council undertake a four-week focussed consultation exercise with the public, relevant bodies and other interested parties on proposals to make a PSPO introducing a requirement that dogs be kept on leads at all times while in Aberdare Public Park.

7. FINANCIAL IMPLICATION(S)

- 7.1 The Council must consider how it will enforce the prohibitions and requirements introduced under the PSPO, as failure to enforce the Order will undermine its effect. The Cabinet has already determined to increase the number of enforcement officers within the Highways & Streetcare Service. It is, therefore, anticipated that should the Council make an additional PSPO in relation to Aberdare Public Park, there will be no financial implications in addition to those already considered by Cabinet on 22nd June 2017.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- 8.2 The first condition is that:
- a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 8.3 The second condition is that the effect, or likely effect of the activities:
- a) Is, or is likely to be, of a persistent or continuing nature;
 - b) Is, or is likely to be, such as to make the activities unreasonable, and
 - c) Justifies the restrictions imposed by the notice.
- 8.4 A public spaces protection order is an order that identifies the public place referred to and,
- a) Prohibits specified things being done in the area;
 - b) Requires specified things to be done by persons carrying on specified activities in that area, or

c) Does both of those things.

8.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:

- a) To prevent the detrimental effect referred to from continuing, occurring or recurring, or
- b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/SIP

9.1 The proposals in this report are consistent with the priorities of the Council's Corporate Plan, in particular "*Place – creating neighbourhoods where people are proud to live and work*":

- *Rhondda Cynon Taf's local environment will be clean and attractive...*
- *Rhondda Cynon Taf's parks and green spaces will continue to be valued by residents...*

9.2 These proposals are also consistent with the Well-being Goals under the Wellbeing of Future Generations (Wales) Act 2015:

- *A healthier Wales – a society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.*
- *A Wales of cohesive communities – attractive, viable, safe and well connected communities.*

10. CONCLUSION

10.1 The proposed PSPO would introduce a requirement that dogs be kept on a lead at all times while in Aberdare Public Park. This requirement would be consistent with existing provisions that have been in place since 1866 and with the expectations of many users of the park. In addition, by making a PSPO the existing requirement will not only continue but would be enforceable by way of a fixed penalty notice (FPN). The Order will be subject to a focussed public consultation so that the views of all parties are properly considered.

Relevant Scrutiny Committee

Public Service Delivery, Communities & Prosperity Scrutiny Committee

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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1ST AUGUST 2017

**PUBLIC SPACES PROTECTION ORDER
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**Officer to contact: Paul Mee, Service Director Public Health & Protection
Tel. No. 01443 425513**

Background Papers

- a) Public Spaces Protection Orders (Dog Controls) – Joint report of Director of Highways & Streetcare Services and Service Director Public Health & Protection in discussion with the relevant portfolio holders, Councillor A Crimmings and Councillor J Rosser; 22nd June 2017.
- b) Public Spaces Protection Orders (Dog Controls) – Joint report of Director of Highways & Streetcare Services and Service Director Public Health & Protection in discussion with the relevant portfolio holders, Councillor A Crimmings and Councillor J Rosser; 9th February 2017.
- c) Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 12
- d) Anti-social Behaviour, Crime and Policing Act 2014; Reform of anti-social behaviour powers; statutory guidance for frontline professionals. Home Office; July 2014