



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

24th SEPTEMBER 2020

PROPOSED EXTENSION AND VARIATION TO RHONDDA CYNON TAF CBC'S DOG CONTROL PUBLIC SPACES PROTECTION ORDERS

**JOINT REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES AND GROUP DIRECTOR PROSPERITY,
DEVELOPMENT AND FRONTLINE SERVICES IN DISCUSSIONS WITH THE
RELVANT PORTFOLIO HOLDERS, COUNCILLORS A. CRIMMINGS AND R.
LEWIS**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to (i) inform Members of the outcomes of the public consultation exercise and (ii) seek authority to extend the two Public Spaces Protection Orders relating to dog controls in Rhondda Cynon Taf (the Dog Control PSPO's), subject to any amendments Members may wish to consider in response to the consultation.

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1 Notes the overwhelming public support for the extension of the Dog Control PSPO's relating to Dog Controls within Rhondda Cynon Taf for a further 3 year period from 1st October 2020;
- 2.2 Considers the responses to the public consultation, as detailed in Appendix 1, and determines whether any amendments are required to the existing prohibitions and requirements in relation to the PSPO's as detailed in Appendix 2 to the report;
- 2.3 Subject to 2.2 above, extends the Dog Control PSPOs as detailed in Appendix 2A and 2B to the report; and
- 2.4 Subject to 2.3 above, gives delegated authority to the Director of Public Health, Protection and Community Services, in consultation with the Group Director, Prosperity, Development and Frontline Services, to produce the final PSPOs relating to Dog Controls and ensure their publication on the Council's website.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Dog fouling remains a significant concern for the Council and for those who live, work and visit the County Borough. Dog Fouling is unpleasant and is a serious risk to human health, particularly amongst children.
- 3.2 The Dog Control PSPO's have allowed the Council to introduce a range of reasonable and proportionate restrictions on the use of publicly accessible land across the County Borough and helped control the harmful activities of irresponsible dog owners whilst allowing responsible dog owners to continue to exercise their dogs without undue restrictions.
- 3.3 Despite the introduction of the Dog Control PSPO's in October 2017 however there remains a minority of dog owners who do not clean up after their dogs or keep them under control. Therefore officers consider it vital the orders, which would ordinarily expire on 30th September 2020, be renewed for a further 3 year period in order to maintain the significant benefits the orders have had in relation to dog fouling and ensure appropriate powers remain in place to deal with the minority who continue to flout the laws.

4. BACKGROUND

- 4.1 Dog fouling is unsightly, unpleasant and can lead to toxocariasis in humans. Toxocariasis causes serious illness and even blindness. It is caused by a parasite that lives in dogs' digestive systems. Eggs are present in the faeces of infected animals. If infected material is ingested, the eggs hatch into larvae and can cause toxocariasis. The disease can be controlled if dog faeces are disposed of immediately in a responsible manner.
- 4.2 The Anti-Social Behaviour, Crime & Policing Act 2014 (the 'Act') introduced provisions whereby a local authority can make Public Spaces Protection Orders. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. PSPOs are designed to ensure that the law-abiding majority can enjoy public space, safe from anti-social behaviour.
- 4.3 The majority of dog owners are responsible, clean up after their dogs and keep them under control. However, a minority of irresponsible dog owners create significant problems. The Council receives many complaints each year about dog fouling in public places. In addition, despite the introduction of the Dog Control PSPO's some of the Council's playing fields need to be checked for dog fouling before they can be used; on occasion individuals wishing to use the playing fields for sport are doing this.

CURRENT DOG CONTROL PSPOs

- 5.1 In 2017 the Council introduced two Public Space Protection Orders in relation to dog controls which came into effect on 1st October 2017, namely:

[RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL \(DOG CONTROL\) PUBLIC SPACES PROTECTION ORDER 2017](#)

[RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL \(DOG CONTROL - ABERDARE PUBLIC PARK\) PUBLIC SPACES PROTECTION ORDER 2017](#)

- 5.2 The introduction of the Dog Control PSPOs, following a public consultation exercise, created transparency and consistency within Rhondda Cynon Taf and gave authorised officers the ability to issue fixed penalty notices for offences that were not able to be previously enforced.
- 5.3 The activities prohibited by the Dog Control PSPOs are:
- (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.
- 5.4 In relation to the Dog Control PSPO covering Aberdare Park there is a specific requirement for a person in charge of a dog to keep that dog on a lead at all times in Aberdare Public Park. This requirement is consistent with existing provisions that have been in place since 1866 (local bye law) and with the expectations of many users of the park. Further detail in respect of this particular requirement can be found in the report presented to Cabinet in [September 2017](#) prior to the commencement of this PSPO.
- 5.5 The Dog Control PSPOs were not put forward as a means of unduly restricting the exercising or recreation of dogs across the County Borough. The reason for making the Dog Control PSPOs was to address the detrimental effect on the quality of life of those in the locality caused by the irresponsible behaviour of a small minority of dog owners; and to set out a clear standard of behaviour to which all dog owners were required to adhere.

5.6 The Council currently employs 20 officers who are authorised to enforce the Dog Control PSPOs in line with the Council's enforcement policy. 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 of £100 may be offered in place of prosecution. This is the maximum amount the Council can impose as a fixed penalty under the legislation.

6. EXTENSION AND VARIATION OF THE DOG CONTROL PSPOS

6.1 At any point before expiry of the Dog Control PSPOs the Council can extend them by up to three years if it considers it is necessary to prevent the original behaviour from occurring or recurring.

6.2 According to section 60(2) of the Act, before the time when a PSPO is due to expire, the local authority that made the PSPO may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent-

1. Occurrence or recurrence after that time of the activities identified in the Order, or
2. An increase in the frequency or seriousness of those activities after that time.

6.3 Section 61 of the Act makes provision for the Order to be varied by increasing or reducing the affected area, or by altering or removing a prohibition or requirement included in the Order or by adding a new one. For an order to be able to be varied, the Council must be satisfied that, on reasonable grounds, the following two conditions are met.

The first condition is that:

- a. Activities carried on in a public place within the Council'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.

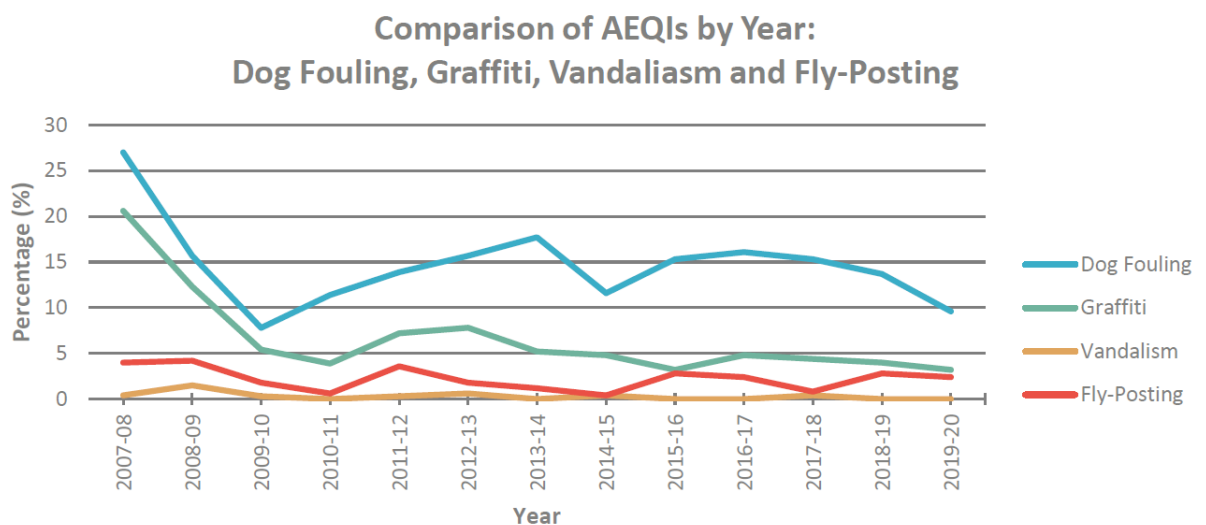
The second condition is that the effect or likely effect, of the activities:

- 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.

6.4 Any such variations need to be subject to public consultation.

6.5 If the Dog Control PSPOs are to be extended this must be done before the time the Orders are due to expire, on 30th September 2020. In the event of the orders not being extended, they would lapse on 1st October 2020 at which point there would be no restrictions on dogs in Rhondda Cynon Taf (save for any enforceable local byelaws).

- 6.6 Officers consider it reasonable to assume that anti-social behaviour in regards to dog controls in the restricted areas would reoccur, and/or increase in the frequency and/or seriousness if the Orders are not extended. There would continue to be a positive effect on local environmental quality with the proposed extended and varied orders and continued enforcement against dog fouling and irresponsible dog owners.
- 6.7 [Consultation feedback](#) received prior to the introduction of the Dog Control PSPOs in 2017 highlighted that there was overwhelming public support for the introduction of the orders and prohibitions and requirements in relation to the control of dogs. Over 90% of respondents supported the Council’s proposed approach to dealing with dog fouling and that dog fouling should be prohibited.
- 6.8 A report published by Keep Wales Tidy entitled ‘An Analysis of Local Environmental Quality in RCT 2019/2020’ showed that the cleanliness indicator for RCT was the highest recorded level to date. It further showed a decreased presence of dog fouling. For only the second time since 2007-2008 dog fouling was found on fewer than 10% of streets across the County Borough. From the table below it is possible to conclude the reduction correlates with the introduction of the Dog Control PSPOs in 2017-2018 with a clear downward trajectory in the instances of recorded levels of dog fouling (AEQIs – Adverse Environmental Quality Indicators):



- 6.9 Therefore factoring in the above it is therefore proposed to extend and vary the Dog Control PSPOs, for a further period of three years from 1st October 2020, in the form set out at Appendix 2A and 2B to this report.
- 6.10 At its meeting on 25th June 2020 Cabinet agreed to initiate a 4-week public consultation on a proposal to extend the Dog Control PSPO’s for a further 3 year period from 1st October 2020.

6.11 This report now presents the results of the public consultation and seeks Cabinet approval to extend the PSPOs subject to any amendments the Cabinet may consider necessary in response to the consultation.

7. CONSULTATION

7.1 Given the current situation in relation to COVID-19 the Council's Consultation and Engagement Officer developed a revised approach to consultation and how the Council could best engage with the public and key stakeholders during these times, in particular with those who would have ordinarily attended 'face to face' engagement events given legislative restrictions and administrative/safety issues identified at the time the consultation took place.

7.2 The consultation ran for a four week period from 6th July to 3rd August 2020. The full consultation report is at Appendix 1.

7.3 The methodology adopted included an online questionnaire and a webpage outlining the proposal to extend the Dog Control PSPO's. Promotion was via posters in key Council facilities (including parks), social media and the press. A short video was also produced and placed on the website and social media. Two virtual consultation events for the public were held via Zoom. There was also engagement with key stakeholders and the Public Service Delivery, Communities and Prosperity Scrutiny Committee. Overall, more than 300 people were engaged in the consultation process.

7.4 Key Findings

- 93.8% of respondents to the online survey said they supported the Council's approach to dealing with dog fouling.
- There was wide scale support, with **over 90%** of respondents agreeing with each of the elements of the Dog Control PSPOs and that they should be continued over the next 3 years.

	Agreed
A.)Dog owners MUST clean up their dogs' mess immediately and dispose of it properly.	99.6%
B.)Dog owners MUST carry a means to pick up dog mess (i.e. bags) at all times.	98.2%
C.)Dog owners MUST follow a direction from an authorised officer to put a dog on a lead.	92.9%
D.)Dogs are BANNED from all schools, children's play areas and marked sports pitches maintained by the Council.	91.4%
E.)Dogs MUST be kept on a lead at all times in Council maintained cemeteries	97.9%

- The main themes identified from the comments were:

Themes
Increase Fines
More Enforcement/more Officers
More Bins needed/emptied more often
In favour of continuing the PSPO
Suggestions/Ideas
Dogs should be on leads everywhere
Improve Signage to explain the rules
Raising Awareness/Promotion/Communication

- 76.3% of respondents agreed that the maximum permitted fixed fine of £100 should remain in place.
- 63.6% of respondents agreed that dogs should continue to be kept on leads at all times in Aberdare Park. 23.9% stated “don’t know”, mainly as they were not familiar with the area or the park, if the data is analysed without the “don’t know” answers, 83.6% of respondents were in agreement.
- An independent report was undertaken on the local environmental quality across Rhondda Cynon Taf CBC for 2019-20. The data from Keep Wales Tidy’s Local Environmental Audit and Management System showed that dog fouling has dropped below 10% for the first time since 2009. The Council was keen to see if residents agreed with the reduction in dog fouling that has occurred. In contrast to the results in the report, 59.4% of residents suggested that the dog fouling levels had not decreased in the last 3 years.
- However, some of the comments received through the survey suggest that there has been an improvement in places;

“Since this rule has been in I have seen a lot less dog mess and owners being a lot more responsible”

“Since the introduction of the powers there has been a significant improvement within our communities”

“It has clearly improved the situation but bigger fines could help”

- The feedback received from the virtual public meetings and forums mirrored the comments and themes in the online survey, including the need for clear signage, better communication, more enforcement and an increase in fines.

- A number of responses were received from stakeholders and these are summarised in Section 6 of the report. The full responses of the emails and letters have been made available for Cabinet Members to consider ahead of the meeting.
- 7.5 There is clearly still overwhelming public support for the prohibitions and requirements included in the Dog Control PSPOs and for their extension for a further three year period.
- 7.6 Members will receive an oral update at the meeting outlining the feedback received from the Public Services Delivery, Communities and Prosperity Scrutiny Committee who will be considering the consultation feedback ahead of the Cabinet meeting.
- 7.7 As outlined in Appendix 1 both Pontylcun Community Council and Llanharry Community Council have, through the consultation process, made a request to extend the Dog Control PSPO's to specific sites they have responsibility for. This would be an amendment to the existing orders but is possible, should Members agree.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 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. 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.
- 8.2 In developing the original PSPO an Equality Impact Assessment was undertaken to ensure that:
- The Council meets the requirements of the Public Sector Equality Duties, and
 - Due regard has been taken of the likely impact of the decision in terms of equality and discrimination.
- 8.3 This exercise has been refreshed and it is considered the impact on residents, visitors and businesses is expected to continue to be positive, as these proposals should continue to act as a deterrent to irresponsible dog ownership. Taking into account the exemptions set out in 8.4 and 8.5 below there is no adverse impact on any other Protected Grounds from its adoption through to its potential variation and extension.
- 8.4 The provisions of the proposed Dog Control Orders would not apply to a person who:

(i) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948;

(ii) is registered as “sight-impaired”, “severely sight impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under section 18 of the Social Services and Well-Being (Wales) Act 2014;

(iii) has a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or (iv) has some other disability, such that he reasonably cannot be expected to remove the faeces.

8.5 The provisions of the orders would not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

8.6 For the purposes of the orders, a ‘disability’ means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and upon which a disabled person relies for assistance.

8.7 Nothing in the Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces and farm dogs that are being used to herd or drive animals.

9. FINANCIAL IMPLICATIONS

9.1 Should the proposed orders be extended there would be a need to amend existing signage to reflect this however any associated costs would be met from existing budgets.

10. LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED

10.1 Section 60(2) of the Act states that before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

(a) occurrence or recurrence after that time of the activities identified in the order, or

(b) an increase in the frequency or seriousness of those activities after that time.

10.2 An extension under this section—

(a) may not be for a period of more than 3 years;

(b) must be published in accordance with regulations made by the Secretary of State.

- 10.3 A public spaces protection order may be extended more than once.
- 10.4 Section 61 states that where a public spaces protection order is in force, the local authority that made the order may vary it—
- (a) by increasing or reducing the restricted area;
 - (b) by altering or removing a prohibition or requirement included in the order, or adding a new one.

- 10.5 A local authority may make a variation that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.

These are:

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.

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.

- 10.6 A local authority may make a variation that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.

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

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

- 10.7 Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.

- 10.8 A local authority, in deciding whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long and whether to vary a public spaces protection order (under section 61) and if so how must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

- 10.9 A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before extending the period for which a public spaces protection order has effect or varying it.

“the necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) the community council (if any) for the area that includes the restricted area.

The requirement to consult with the owner or occupier of land within the restricted area—

- (a) does not apply to land that is owned and occupied by the local authority;
- (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

11. LINKS TO THE COUNCILS CORPORATE PLAN AND FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT

11.1 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”*:

11.2 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 wellbeing 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.*

12. CONCLUSION

- 12.1 Dog fouling remains a significant concern for the Council and for those who live, work and visit the County Borough and is a serious risk to human health, particularly amongst children.
- 12.2 The Public Spaces Protection Orders in relation to dog controls has allowed the Council to introduce a range of reasonable and proportionate restrictions on the use of publicly accessible land across the County Borough and helped control the harmful activities of irresponsible dog owners whilst allowing responsible dog owners to continue to exercise their dogs without undue restrictions.
- 12.3 Despite the introduction of the orders in October 2017 however there remains a minority of dog owners who do not clean up after their dogs or keep them under control. Therefore officers consider it vital the orders, which would ordinarily expire on 30th September 2020, are renewed for a further period in order to maintain the significant benefits the orders have had in relation to dog fouling and ensure appropriate powers remain in place to deal with the minority who continue to flout the laws.
- 12.4 Cabinet is now asked to consider the responses to the public consultation and extend the Dog Control PSPOs for a further three year period from 1st October 2020 as detailed in Appendix 2A and 2B (accounting for any amendments required by it following consideration of the consultation response).

Relevant Scrutiny Committee

Public Service Delivery, Communities & Prosperity Scrutiny Committee

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

CABINET

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RELEVANT PORTFOLIO HOLDERS, COUNCILLORS A. CRIMMINGS AND R.
LEWIS**

Background Papers

- a) Public Spaces Protection Orders (Dog Controls) – Joint Report of Director of Highways & Streetcare Services & Service Director of Public Health & Protection in discussion with the relevant Portfolio Holders, Councillor A Crimmings and Councillor J Rosse -: 22nd June 2017
- b) Public Spaces Protection Orders (Dog Controls) – Aberdare Park - Joint Report of Director of Highways & Streetcare Services & Service Director of Public Health & Protection in discussion with the relevant Portfolio Holders, Councillor A Crimmings and Councillor J Rosser - 28th September 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; and
- e) Proposed extension and variation to RCT CBC's Dog Control Public Spaces Protection Orders – Joint report of the Director of Public Health, Protection and Community Services and Group Director Prosperity, Development and Frontline Services in discussions with the relevant portfolio holders, Councillors A Crimmings and R. Lewis- 25th June 2020

Officers to contact:

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Nigel Wheeler, Group Director Prosperity, Development and Frontline Services

Renewal of Public Spaces Protection Consultation

September 2020



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EXECUTIVE SUMMARY

- This report presents the findings of the consultation on proposals to renew a Public Spaces Protection Order (PSPO) consultation on dog control in Rhondda Cynon Taf.
- The consultation ran from the 6th July to the 3rd August 2020. Overall, over **300 people** were engaged in the consultation process.
- 93.8% of respondents to the online survey said they supported the Council's approach to dealing with dog fouling.
- There was wide scale support, with **over 90%** of respondents agreeing with each of the elements of the PSPO and that they should be continued over the next 3 years.

	Agreed
A.) Dog owners MUST clean up their dogs' mess immediately and dispose of it properly.	99.6%
B.) Dog owners MUST carry a means to pick up dog mess (i.e. bags) at all times.	98.2%
C.) Dog owners MUST follow a direction from an authorised officer to put a dog on a lead.	92.9%
D.) Dogs are BANNED from all schools, children's play areas and marked sports pitches maintained by the Council.	91.4%
E.) Dogs MUST be kept on a lead at all times in Council maintained cemeteries	97.9%

- The main themes identified from the comments were:

Themes
Increase Fines
More Enforcement/more Officers
More Bins needed/emptied more often
In favour of continuing the PSPO
Suggestions/Ideas
Dogs should be on leads everywhere
Improve Signage to explain the rules
Raising Awareness/Promotion/Communication

- 76.3% of respondents agreed that the maximum permitted fixed fine of £100 should remain in place.

- 63.6% of respondents agreed that dogs should continue to be kept on leads at all times in Aberdare Park. 23.9% stated “don’t know”, mainly as they were not familiar with the area or the park, if the data is analysed without the “don’t know” answers, 83.6% of respondents were in agreement.
- An independent report was undertaken on the local environmental quality across Rhondda Cynon Taf CBC for 2019-20. The data from Keep Wales Tidy’s Local Environmental Audit and Management System showed that dog fouling has dropped below 10% for the first time since 2009. The Council was keen to see if residents agreed with the reduction in dog fouling that has occurred. In contrast to the results in the report, 59.4% of residents suggested that the dog fouling levels had not decreased in the last 3 years.
- However, some of the comments received through the survey suggest that there has been an improvement in places;
“Since this rule has been in I have seen a lot less dog mess and owners being a lot more responsible”
“Since the introduction of the powers there has been a significant improvement within our communities”
“It has clearly improved the situation but bigger fines could help”
- The feedback received from the virtual public meetings and forums mirrored the comments and themes in the online survey, including the need for clear signage, better communication, more enforcement and an increase in fines.
- A number of responses were received from stakeholders and these are summarised in Section 6 of the report. The full responses of the emails and letters will be made available for Cabinet and Officers to consider.

1. INTRODUCTION

- 1.1 This report presents the findings of a consultation on proposals to renew a Public Spaces Protection Order on dog control in Rhondda Cynon Taf.
- 1.2 Section 2 outlines some brief background.
- 1.3 Section 3 details the methodology.
- 1.4 Section 4 presents the results from the online survey.
- 1.5 Section 5 provides the main points raised at a number of virtual public meetings and forums that were used in place of the Council's usual face to face approach.
- 1.6 Section 6 outlines some of the stakeholders and groups who responded to the consultation and emails received from members of the public.

2. BACKGROUND

- 2.1 The Anti-Social Behaviour, Crime & Policing Act 2014 introduced provisions whereby a local authority can make Public Spaces Protection Orders (PSPOs). The PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable.
- 2.2 In 2017 the Council introduced a Public Spaces Protection Order (PSPO) in relation to dog fouling across Rhondda Cynon Taf. The order says that;
- Dog owners MUST clean up their dogs' mess immediately and dispose of it properly.
 - Dog owners MUST carry a means to pick up dog mess (i.e. bags) at all times.
 - Dog owners MUST follow a direction from an authorised officer to put a dog on a lead.
 - Dogs are BANNED from all schools, children's play areas and marked sports pitches maintained by the Council.
 - Dogs MUST be kept on a lead at all times in Council maintained cemeteries.
 - The Public Spaces Protection Order (PSPO) also introduced an increased fine of £100, which Enforcement Officers can issue.
- 2.3 A separate PSPO, for Aberdare Park only, was also introduced on October 1, 2017, and says that dogs must be kept on leads at all times in Aberdare Park.
- 2.4 The two Public Spaces Protection Orders related to dog controls within Rhondda Cynon Taf are due to expire on the 30th September 2020. At any point before expiry of these orders, the Council can vary or extend them by up to three years if it considers it necessary to prevent the original behaviour from occurring or recurring.
- 2.5 In accordance with the Act if the recommended proposed extension and variation of the Dog Control PSPOs is approved in principle the Council is then required to consult stakeholders. This report presents the findings of the consultation undertaken.

3. METHODOLOGY

- 3.1 The consultation ran from the 6th July to the 3rd August 2020.
- 3.2 The aim of the consultation was to gather the views of residents and other relevant bodies and interested parties on proposals to renew a Public Spaces Protection Order, with regards to dog fouling in Rhondda Cynon Taf.
- 3.3 The following methods were used to consult with stakeholders;
- An online questionnaire.
 - An online webpage outlining the proposals.
 - Promotion via posters in a number of key local parks and the press.
 - Advertised on Social Media. The Council's twitter account has over 20,000 followers.
 - A short video was created outlining the elements of the PSPO, this was placed on the webpage and also shared on social media sites.
 - A dedicated email address (consultation@rctcbc.gov.uk), contact Centre telephone number and free post address was provided.
 - Emails to the Citizens' Panel.
 - 2 zoom public engagement events.
 - Emails to Youth Forum members.
 - Zoom meeting with the Older Persons Advisory Group (OPAG).
 - Zoom meeting with the Community Liaison Committee.
 - Telephone conversations with Disability Forum members.
 - Emails to local AM and MPs and RCT Councillors.
 - Emails to all RCT schools.
 - Emails sent to The Public Service Delivery, Communities & Prosperity Scrutiny Committee.
 - Emails sent to to Public Access Forums and Ramblers and Walking Groups.
 - Communication with key stakeholders, including the partnership board, neighbouring local authorities, Community Town Councils, Sports Clubs, RSPCA, Dog's Trust and Kennel Club.
- 3.4 Overall, over **300 people** were engaged in the consultation process.

4. Online Survey Results

- 4.1 Overall, 283 responses were received to the online survey.
- 4.2 93.8% of respondents to the online survey said they supported the Council approach to dealing with dog fouling.

Do you support the Council's approach to dealing with dog fouling and the renewal of the approach for the next 3 years	
Yes	257 93.8%
No	12 4.4%
Don't know	5 1.8%

Figure 1 - Support for the Council's approach

- 4.3 The renewal of the existing PSPO would include a number of separate elements. Respondents were asked whether they agreed with the following elements of the existing order and if they should be continued for the next 3 years.

The results are shown in the table below.

	Yes	No	DK
A.)Dog owners MUST clean up their dogs' mess immediately and dispose of it properly.	281 99.6%	1 0.4%	-
B.)Dog owners MUST carry a means to pick up dog mess (i.e. bags) at all times.	276 98.2%	4 1.4%	1 0.4%
C.)Dog owners MUST follow a direction from an authorised officer to put a dog on a lead.	262 92.9%	16 5.7%	4 1.4%
D.)Dogs are BANNED from all schools, children's play areas and marked sports pitches maintained by the Council.	256 91.4%	19 6.8%	5 1.8%
E.)Dogs MUST be kept on a lead at all times in Council maintained cemeteries	276 97.9%	5 1.8%	1 0.4%

Figure 2 - Agreement with the elements of the PSPO

- 4.3 There was wide scale support, with **over 90%** of respondents agreeing with each of the elements of the PSPO and that they should be continued over the next 3 years.
- 4.4 Respondents provided a large number of comments on the proposals and these have been summarised into the following main themes;

Themes
Increase Fines
More Enforcement/more Officers
More Bins needed/emptied more often
In favour of continuing the PSPO
Suggestions/Ideas
Dogs should be on leads everywhere
Improve Signage
Raising Awareness/Promotion/Communication
Sports Pitch Comments

Figure 3 - Main themes from open responses

Increase Fines

- 4.5 The Council is limited to how much of a fine it can hand out, with a maximum fixed fine of £100 in place of prosecution. However, a large number of respondents still felt that the fines should be increased;

“Increase the fines to a £1000 minimum. Offenders to spend a day cleaning up dogs mess and a day on the dangers posed by irresponsible owners not cleaning up their dogs mess”

“The fine should be increased to £200 as a deterrent to those flouting the rules”

“Double it, people have had plenty of time to get use to the rules. There is no excuse anymore”

This was particularly the case for repeat offenders;

“Stronger penalties for those that are caught more than once”

“Repeat offenders to pay more”.

“Increase for persistent offenders”

Enforcement

- 4.6 Respondents felt that there needed to be more enforcement, with a more visible presence of officers as a deterrent;

“You need more people on the team. A bigger presence may deter people from letting their dogs foul the streets.”

“Yes, there needs to be more visible officers to challenge dog owners”

“I know budgets are tight but more enforcement officers would be great”

“Presence of enforcement officers / cameras to deter lazy dog owners from leaving mess.”

Dog Bins

- 4.7 There were calls for more dog fouling bins to be provided by some of the respondents;

“Ensure there are sufficient dog poo bins, particularly in popular dog walking areas.”

Also for the bins to be emptied more often;

“As a dog owner it would be helpful to have additional red doggy bins around the area. Also to ensure regular emptying of these bins.”

“More bins and please make sure they are emptied and provide bags”

“Ensure the bins are in good condition and emptied regularly”

General Support for PSPO

- 4.8 As shown in the survey results there was wide scale support for the extension of the PSPO and this was supported in the comments received;

“Completely agree with the renewal of the PSPO in RCT, this needs to be made permanent.”

“As a dog owner and regularly user of local parks which are under the PSPOs, I fully support the renewal ...”

“I think the PSPO is beneficial to the upkeep of public areas in RCT.”

Suggestions/ideas

- 4.9 There were a number of comments that provided some additional suggestions for the Council to consider, these included;

“Designated dog areas would help”

“I think there should be more enforcement officers employed to tackle dog fouling on housing estates as well as on countryside sites”

“Get local schools more involved in creating signs about picking up dog mess and the dangers it can cause”

“Make the fine variable based on people's wealth.....”

Dogs on Lead everywhere

- 4.10 Some of the respondents felt that dogs should be kept on a lead at all times in all public parks;

“Not everyone likes dogs running up to them and are often frightened so to avoid this dogs should be on leads at all times in all public parks.”

Some felt that this should be extended more widely to other areas;

“This should be extended to anywhere within Rhondda Cynon Taff not just Parks, Schools and other area's defined on the map. There are lots of walking / cycling paths within RCT which people constantly flout these rules.....”

“Dogs should be on leads at all times not just in parks and cemeteries”

Signage/Communication

- 4.11 The PSPO signage was mentioned in a number of responses, some suggested that the signage needed to be clearer and there needed to be more of them;

“Additional signage to be placed so it is clear for all dog owners not to enter grounds that are banned”

“A suggestion would be, to put up stand out warning signs in street lanes as there seems to me where I notice the most dog fouling. (I am a dog owner myself)”

“The signs are not clear enough for some people to understand. The writing is small and therefore seemingly ignored by those who repeatedly take their dogs into red areas.....”

- 4.12 A small number of respondents suggested that the Council could provide more information on the rules and report back on the people who are fined.

Sports Pitches

- 4.13 A number of comments received specifically related to sports pitches. Some suggested that sports pitches could be fenced off;

“..Also sports pitches should be fenced off and only accessible by the club that rents them”

“Yes all football pitches in the area should be fenced off from dogs as kids play on these pitches and some people don't clean up dog mess, with local clubs with local clubs having keys for these grounds.”

There were also calls for increased fines on sports pitches;

“The fine should be increased for marked fields to £200 and strictly imposed!!”

“Tougher sanctions for fouling on sports pitches. Severe health and safety implications”

- 4.14 76.3% of respondents agreed that the maximum permitted fixed fine of £100 should remain in place.

Do you agree that the fixed fine should remain at £100	
Yes	216 76.3%
No	58 20.5%
Don't know	9 3.2%

Figure 4 - Do you agree that the fixed fine should remain at £100 (this is currently the maximum permitted)

Aberdare Park

- 4.15 A separate PSPO, for Aberdare Park only, was also introduced on October 1, 2017, and states that dogs must be kept on leads at all times in Aberdare Park.

63.6% of respondents agreed that dogs should continue to be kept on leads at all times in Aberdare Park. 23.9% stated “don’t know”, mainly as they were not familiar with the area or the park, if the data is analysed without the “don’t know” answers, 83.6% of respondents were in agreement.

Do you agree that dogs should continue to be kept on lead	
Yes	178 63.6%
No	35 12.5%
Don't know	67 23.9%

Figure 5 – Do you agree that dogs should continue to be kept on lead?

- 4.16 A number of comments were made on the Aberdare Park PSPO and these can be summarised under the following themes;

Themes	Count
Agreement	26
Should be on leads in all places/parks	25
Must be places for off leads as well	14
Enforcement	3
Better signage needed	2

Figure 6 - Aberdare Park PSPO themes

- 4.17 There were a number of comments in general support for the PSPO in Aberdare Park, mainly based around the perception of increased safety;

“The park is for everyone, dogs should be kept on leads yes.”

“This is important for the safety of the many small children that play in the park and are afraid of dogs and also to protect the ducks and geese that nest there.”

“This is necessary for the safety of children and other dogs”

“This has cut down on the number of unruly and out of control dogs at the park.”

“Absolutely the correct decision. Would not be safe otherwise.”

- 4.18 There were some calls again for the need for other places and parks in Rhondda Cynon Taf to require dog owners to keep their dogs on a lead;

“I think dogs should be kept on leads in more spaces.”

“Extend it to all public areas across RCT”

“Please extend this to other parks in the area”

“Dogs should be kept on a lead at all times in every park throughout RCT.”

- 4.19 As with the wider PSPO there were comments around increasing enforcement and improving signage;

“This needs to be enforced as it currently isn’t”

“The writing and signs however, are too small to enforce this ruling and can be overlooked. Bigger and clearer signs need to be placed at each entrance to make it clear....”

“Better signage needs to be installed to ensure owners are aware of this, as dogs are still being let off the lead in the park by minority of owners.”

“I agree with the separate PSPO however the signage MUST be improved”

Perceived Dog Fouling Levels

- 4.20 An independent report was undertaken on the local environmental quality across Rhondda Cynon Taf CBC for 2019-20. The data from Keep Wales Tidy’s Local Environmental Audit and Management System showed that dog fouling has dropped below 10% for the first time since 2009. The Council was keen to see if residents agreed with the reduction in dog fouling that has occurred.

- 4.21 In contrast to the results in the report, 59.4% of residents suggested that the dog fouling levels had not decreased in the last 3 years.

Do you agree that the level of dog fouling has decreased in your local area over the last 3 years?	
Yes	72 25.4%
No	168 59.4%
Don't know	43 15.2%

Figure 7 - Dog Fouling Levels

- 4.22 However, some of the comments received through the survey suggest that there has been an improvement in places;

“Since this rule has been in I have seen a lot less dog mess and owners being a lot more responsible”

“Since the introduction of the powers there has been a significant improvement within our communities”

“It has clearly improved the situation but bigger fines could help”

Respondent Profile

- 4.23 49% of respondents to the online survey were dog owners.

- 4.24 93% of respondents were residents and 7% replied as organisations to the survey.

Equalities Question

- 4.25 Under the 'Equality Act 2010' and the 'Public Sector Equality Duties', the Council has a legal duty to look at how its decisions impact on people because they may have particular characteristics. Respondents were therefore asked to state if the proposals would affect them because of: Gender, Age, Ethnicity, Disability, Sexuality, Religion / belief, Gender identity, Relationship status, Pregnancy, Preferred language.

- 4.26 A number of comments were received in relation to the impact of the proposals on disability;

“Being a disabled person, if dog owners do not follow the rules and a dog runs out in front of me, the dog would get knocked over by my wheelchair. It severely affects me as a wheelchair user especially

when the mess goes in the wheelchair wheels which can be dirty and also cause me to lose grip because it makes the wheels slippery. It's also a problem for scooter users."

"Disability - both manual wheelchair users and whatever goes on the wheels goes on your hands, sometimes you can't manoeuvre out of the way."

"I have hearing impairment and dyslexic signs and information need to be clear. I appreciate dogs on leads in public places as don't hear them approaching until they are too close/ jump up. Dog owners shouting across roads parks that there dogs are friendly etc. does not help me as I cannot hear them. The world is a more frightening place when you cannot hear properly."

"It's discriminates against my disabilities because I'm unable to walk far and the only areas I can exercise my dog is now deemed as off-bounds It also negatively affects my dogs wellbeing as he can no longer exercise adequately"

"You need to ensure service dogs of all types, including for residents who are autistic are allowed wherever they go"

Welsh Language Question

- 4.27 The Welsh Language (Wales) Measure 2011 makes provision for the specification of standards of conduct in relation to the Welsh language and consequently the Council has a legal duty to look at how its decisions impact on the Welsh Language. The majority of responses received thought that there was no impact, a small number mentioned signage as follows;

"As long as warning signs are bilingual and prominent it should be ok."

"All signs MUST be bilingual with the Welsh given precedence."

"As all your correspondence and signage are bilingual this would not occur. This would only arise if the Enforcement Officers do not speak Welsh or does not have access to a translator when communicating with Welsh speakers."

5. Virtual Public Meetings & Forums

- 5.1 A number of virtual public meetings and Forums were used in place of the Council's usual face to face approach.
- 5.2 2 public Zoom meetings were held on the 22nd July, the sessions were used as a question and answer session and comments were noted where relevant. A summary of the main points raised in the meetings is shown below, a list of dog fouling hot spots that were identified in the meetings have been reported separately;

Signage

- Not enough signage in the parks (Pontypridd), needs to be altered.
- Ponty Park – signposts are small and not at eye level (esp. Cricket Pitch).
- Fully support what you are doing. Just needs more/clearer signage.
- More prominent signs
- Not enough signs showing the areas that you are not allowed in with a dog.
- Paint a red line around the areas, around the perimeter, quite cheap and easy to do.

Improvements

- The PSPO has helped (Gelli), previous to 2017 there was a lot of dog mess, seen an improvement and it needs to carry on. The fines should be raised, you even supply bags, what more can you do.
- Fouling is less than it has been in the past.
- Aberdare Park is pretty clean. An issue outside of the key parks.

Enforcement

- Role of officers is not just enforcement but education, but people don't realise this. They think it is a money making exercise, but people need to be re-educated on this
- Dog Wardens are very proactive (Brynna) and do fine.
- £100 fine could be greater, it needs to be a deterrent.
- Abernant – there is some fouling, I haven't reported. No country parks or large recreational grounds nearby. Could be other areas like this, people feel that they wouldn't be seen as a priority.

Communication

- Needs more communication/promotion of where there is enforcement and where fines are given out. People may feel that others are not getting fined, as they don't know about it
- More press releases with numbers of fines issued etc.

- Keep raising awareness in the Borough
- Needs more education.

Suggestions/Ideas

- Cynon trails and outside parks should also be covered. Countryside sites and trails. Are we planning this?
- New build housing estates should also be taken into account.
- Work with Housing Associations?

Other

- Taff trail dreadful, not enough dog bins.
- Query re Aberdare Park dogs on lead, why not in other parks.
- Discussion on licenses, chipping, why can't we reintroduce the licenses.
- COVID – large increase on trails as a result and more dog fouling.
- Thanks for the chance to engage.

5.3 A presentation was made at the virtual Older Persons Advisory Group. A summary of the main points raised is shown below:

Communication

- Needs to be more information about the worst areas

Positive Improvements

- The Community Council provides dog bags so if people forget them, there's always somewhere where they are stocked.
- The pavements are much better.
- In Pontyclun people really considerate, putting waste in little bags - owners pick up the dog mess.
- There are enough signs and information in Ponty Park, it's up to owners.

Bins emptied more often

- Some bins haven't been emptied for some time
- There are more dog bins than litter bins

Sports pitches

- People still take their dogs onto the sports pitches

Other

- Horse mess is a problem – whose responsibility is this?
- Horse mess in Brynna woods – could we introduce a reporting system?

- Problems up the Common (Pontypridd)
- 5.4 Disability Forum Members were contacted and asked how they would like to take part in the consultation. The majority of members said they would like to talk about the consultation over the phone. A consultation officer called up these members, went through the online survey over the phone and took down comments. A summary of the main comments is shown below:

More information on reporting

“people need to be aware that people can report.”

“How can we report issues to over the phone? If people aren’t online, they can’t report dog fouling.”

Increase fines

“I think £100 is a low end fine, it should be based on the area, should be between £200 - £300 in ‘hotspot’ areas, there should be a variable price, lower price in non-hotspot areas.”

“If the fine was increased to £150 it might make people think more.”

More Enforcement/More Officers

“There have been more dogs off leads, more fouling and more of an issues since Covid 19. Since the pandemic, lots more people have had dogs and there’s more fouling. People got dogs as they were allowed to go out to walk the dog?”

“Brynna & Llanharan on the rise. In this area, dogs are allowed to run free when they shouldn’t so I definitely agree that dog owners must follow direction from an officer.”

“We need to continue with the PSPO – dog wardens are limited, there are not enough enforcement officers.”

Raising Awareness/Promotion/Communication

“2 strike system, more deterrent.”

“There needs to be a clear thing to say if they don’t do it, there will be consequences. The rules need to be in black & white, clear. Clear instructions”

“There needs to be clear instructions for what is what in terms of blind dog users, but also enforcement especially in schools.”

“The easiest ways to get people to take it in are by TV and radio.”

“Would like to see how many people have been caught and fined.”
Worse since lockdown

“We don’t think it’s decreased at all, it’s worse.”

“Since lockdown, it’s worse as well.”

Positive improvements

“I’ve never seen a dog foul with the owner and just walk off, I always see them picking it up.”

“Aberdare park is a lovely park, maintained well.”

Other

“People feel that they can get away with it.”

“Dogs whether they’re on a lead or not, if they are near children big or small, they should be wearing a muzzle, especially outside schools.”

“People shouldn’t be able to use the excuse that they can’t get bags.”

5.5 A discussion was held at the Community Liaison Committee. The main points raised were:

- There are anomalies on some of the maps
- Clearer signage is needed – they will be putting signs up in the area that are clear as many signs were not at eye level and difficult to be seen
- There needs to be more reporting on Social media - more pressure for the enforcement is needed and to encourage the public to report incident.

6. Stakeholder Responses

6.1 Responses were received from the following organisations;

- The Kennel Club
- LLanharry Community Council
- Pontyclun Community Council
- RSPCA Cymru

6.2 The following is a summary of comments received via email and letter;

Note: The full responses of the emails and letters will be made available for Cabinet and Officers to view

Kennel Club Response

Dog fouling - requirement to be in possession of means to pick up

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. The exception to this is when there is a clear indication from the landowner to the contrary.

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 poo 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.

Whilst the Kennel Club supports proactive efforts on behalf of local authorities to encourage responsible dog ownership and to ensure that those who are not picking up after their dogs are brought to book, this has to be fair and proportionate and we would not like to see responsible dog owners penalised unfairly.

The Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but we do have some concerns, for example, if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out, a behaviour that is encouraged by Green Dog Walker schemes.

If such a measure is introduced it is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them, so that it is the right people who are getting caught. Additionally, appropriate signage

should be erected to inform those who are not familiar with the local rules are not unfairly caught out.

Dog access

The Kennel Club 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”, which in most cases will be off lead while still under control.

Dogs on lead by direction

The Kennel Club strongly welcomes ‘dogs on lead by direction’ orders, as these allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst allowing the local authority powers to restrict dogs not under control.

Exclusion from playgrounds, tennis courts or skate parks etc

The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity.

Playing fields

With regards to playing fields, we ask local authorities to consider whether or not access restrictions are absolutely necessary. If they are deemed to be needed, whether time/season limited restrictions would be more appropriate than a continuous exclusion order.

Assistance dogs

We note that the proposal includes an exemption for those who rely on assistance dogs ‘trained by a registered charity’. Based on the latest guidance issued by the Equality and Human Rights Commission, we do not believe that the exemption are sufficiently broad. Many disabled people rely on assistance dogs that are not trained by a registered charity. We would submit that the guidance from the Equality and Human Rights Commission would suggest that the exemption should not be limited to only dogs which are trained by registered charities.

Llanharry Community Council

Would like park to be included in the proposal. Separate map shows the position of the marked sports pitch and play area.

Pontyclun Community Council

We would support continuation of these controls. I see you wish to extend to our land too and I just wish to help identify this.

We are particularly interested in having controls in place at Pontyclun Park.

The park has an open playground. The park is used by Pontyclun Primary School as its sports field - and indeed the central area has a marked out running track on it. The Park is normally used weekly by the Pontyclun Walking Rugby team and for about 5 months a year weekly by a local mini tots Rugby club.

We would therefore say that the whole park should ideally be designated as a no dog zone.

RSPCA Cymru

Making it an offence for a person to fail to clean up dog faeces: RSPCA Cymru welcomes proposals to make it an offence for a person to fail to clean up their dog's faeces. RSPCA Cymru would also urge the Council to also look at educational or promotional schemes around responsible dog ownership in areas where dog fouling is a regular issue.

Requiring all dog walkers to carry an appropriate receptacle for dealing with their dog's waste: RSPCA Cymru encourages proposals that will require all dog owners to carry an appropriate receptacle or bag to pick up dog faeces if their dog has defecated at any time on land listed within the Order. Due to the comfort and support that owners can receive from their dog, RSPCA Cymru welcomes any proposals to allow dogs in cemeteries as long as they are on a lead.

Making it an offence for a person not to put a dog on a lead when instructed to do so by an authorised person: To ensure that this condition is administered appropriately and in a proportionate manner, RSPCA Cymru would like to see that the experience, knowledge and training of the officer imposing the condition is sufficient to ensure the welfare of the dog is not compromised and that they give advice to ensure that the dog is still able to be regularly exercised off the lead.

Excluding dogs from children's play areas, multi-use games areas and marked sports playing pitches: The RSPCA understands the value of local authorities ensuring that sections of open space may be dog-free, such as children's play areas and purpose built multi-use games areas. It's important that as well as sufficient space for dog owners and their dogs, these separate needs are not unduly segregated which can foster misunderstandings and substitute problems. We wish to see integrated communities, with responsible pet and non-pet owners living harmoniously. However, excluding responsible dog owners from allowing their dogs onto a marked sports playing pitch would be restrictive, especially if adequate space nearby was not available and would prohibit the dog from expressing normal behaviour, and confusing for dog owners as many of these pitches are seasonal with limited or no signage or fencing.

RSPCA Cymru believes that although dog faeces can be a nuisance to the people that use the sports pitches, they can be and are easily removed by many responsible dog owners, imposing the restriction on all will punish the responsible dog owners and impose a negative view of dog ownership within the community.

Additionally, we believe that the provisions that make it an offence for an owner not to pick up their dog's faeces and the need to carry an appropriate dog faeces receptacle go some way to mitigating the issues associated with areas such as marked sports pitches and therefore would urge local authorities to consider other means before adopting this disproportionate exclusion.

While we understand that plans to remove the PSPO requiring all dogs to be kept on leads in Aberdare Park in 2017 received a great deal of outcry from local residents, RSPCA Cymru has concerns about the possibility of alienating responsible dog owners in the area - and preventing dogs from being able to express normal behaviour patterns by not allowing them off of the lead. The local authority needs to ensure that the other measures contained within this order do not restrict too much the ability for owners to exercise their dogs off the lead.

RSPCA Cymru is also concerned that a blanket order of this type, regardless of training and ability of the dog, will add to the negative view of dog ownership within the locality. The RSPCA understands the value of local authorities ensuring that sections of open space may be dog-free, such as Aberdare Park. However, it's important that as well as sufficient space for dog owners and their dogs, these separate needs are not unduly segregated which can foster misunderstandings and substitute problems. We wish to see integrated communities, with responsible pet and non-pet owners living harmoniously.

Public Responses via email;

6.3 A small number of emails were received from members of the public and these included;

- Reports of individual dog fouling incidents and hotspot areas.
- Suggestions of the need to look at litter and Anti-social behaviour as well as dog fouling in the parks.
- Support for the PSPO and the need to enforce it to reduce dog fouling.
- Dogs should be kept on leads at all times, especially where young children are playing.
- Suggestion to provide designated dog friendly areas.
- Need for more bins and more regular emptying.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL (DOG CONTROL) PUBLIC SPACES
PROTECTION ORDER 2020**

Rhondda Cynon Taf County Borough Council ('the Council') in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 'Act') hereby makes the following Public Spaces Protection Order:

1. This Order may be cited as the 'Rhondda Cynon Taf County Borough Council (Dog Control) Public Spaces Protection Order 2020' (the 'Order').
2. This Order comes into force on 1st October 2020 and shall have effect and remain in force for a period of three years from that date.

OFFENCES

3. The effect of this Order is to impose the following conditions within Rhondda Cynon Taf:
 - (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. For the purposes of this Order:
 - 4.1 'Dog Fouling' means failing to immediately remove the faeces of a dog by a person who is in charge of that dog.
 - 4.2 Placing dog faeces in a receptacle on land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to remove the faeces.
 - 4.3 'a person in charge of a dog' means a person who habitually has a dog in his/her possession at any time unless at that time some other person is in charge of the dog.
 - 4.4 'Public Place(s)' means any place to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission.

- 4.5 'Authorised Officer' means a constable or a person authorised by the Council for the purposes of enforcing this Order.
- 4.6 For the purposes of 3(iv) above an Authorised Officer may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
- 4.7 'Rhondda Cynon Taf' means the whole area of the county borough of Rhondda Cynon Taf as shown in Schedule 1 to this Order.
- 4.8 'Cemeteries' means the areas of land as shown and detailed in Schedule 2 to this Order.
- 4.9 'Schools' means the areas of land as shown and detailed in Schedule 3 to this Order.
- 4.10 'Playgrounds' means the areas of land as shown and detailed in Schedule 4 to this Order.
- 4.11 'Marked Sports Pitches' means the areas of land as shown and detailed in Schedule 5 to this Order.
5. It is an offence for a person, without reasonable excuse, to engage in activity which they are prohibited from doing by effect of this Order or fail to comply with a requirement to which a person is subject by effect of this Order.
6. The Council is satisfied that the conditions set out in Section 59 of the Act have been satisfied and, that it is in all the circumstances expedient and reasonable to make this Order for the purpose of prohibiting the above activities and introducing the stated requirements. The effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, such as to make them unreasonable, and justifies the restrictions imposed by this Order.

EXEMPTIONS

7. The provisions of this Order do not apply to a person who:
- (i) is registered as partially sighted or blind, in a register compiled under Section 29 of the National Assistance Act 1948;
 - (ii) is registered as "sight-impaired", "severely sight impaired" or as "having sight and hearing impairments which, in combination, have a significant effect on their day to day lives", in a register compiled under Section 18 of the Social Services and Well-Being (Wales) Act 2014;
 - (iii) has a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or
 - (iv) has some other disability, such that he reasonably cannot be expected to remove the faeces.

8. The provisions of this Order do not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.
9. For the purposes of this Order, a 'disability' means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and upon which a disabled person relies for assistance.
10. Nothing in this Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces and farm dogs that are being used to herd or drive animals.
11. Where a person in charge of a dog wishes to rely upon any of the exemptions set out in this Order the burden shall be on that person to prove they satisfy the requirements of the exemption being relied upon.

PENALTIES

12. A person who is guilty of an offence under this Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
13. A Fixed Penalty Notice may be issued by an Authorised Officer to a person who breaches this Order, offering them the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

THE COMMON SEAL OF RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

Was hereto affixed in the presence of

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Andy Wilkins

Director, Legal Services

SCHEDULE 1 – RHONDDA CYNON TAF AREA

SCHEDULE 2 - CEMETERIES

SCHEDULE 3 – SCHOOLS

SCHEDULE 4 - PLAYGROUNDS

SCHEDULE 5 – MARKED SPORTS PITCHES

SCHEDULE 6 – COMMUNITY COUNCIL SITES

DRAFT

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL (DOG CONTROL – ABERDARE PUBLIC PARK) PUBLIC SPACES PROTECTION ORDER 2020

Rhondda Cynon Taf County Borough Council ('the Council') in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 'Act') hereby makes the following Public Spaces Protection Order:

1. This Order may be cited as the 'Rhondda Cynon Taf County Borough Council (Dog Control – Aberdare Public Park) Public Spaces Protection Order 2020' (the 'Order').
2. This Order comes into force on 1st October 2020 and shall have effect and remain in force for a period of three years from that date.

OFFENCES

3. The effect of this Order is to impose the following condition within Rhondda Cynon Taf:
 - (i) A requirement for a person in charge of a dog to keep that dog on a lead at all times in Aberdare Public Park.
4. For the purposes of this Order:
 - 4.1 'a person in charge of a dog' means a person who habitually has a dog in his/her possession at any time unless at that time some other person is in charge of the dog.
 - 4.2 'Aberdare Public Park' means all land within the boundary of Aberdare Public Park as detailed in Schedule 1.
 - 4.3 'Authorised Officer' means a constable or a person authorised by the Council for the purposes of enforcing this Order.
5. It is an offence for a person, without reasonable excuse, to engage in activity, which they are prohibited from doing by effect of this Order or fail to comply with a requirement to which a person is subject by effect of this Order.
6. The Council is satisfied that the conditions set out in Section 59 of the Act have been satisfied and, that it is in all the circumstances expedient and reasonable to make this Order for the purpose of prohibiting the above activities and introducing the stated requirements. The effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, such as to make them unreasonable, and justifies the restrictions imposed by this Order.

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10. Nothing in this Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces and farm dogs that are being used to herd or drive animals.
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THE COMMON SEAL OF RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

Was hereto affixed in the presence of

.....

Andy Wilkins

Director, Legal Services

DRAFT

SCHEDULE 1

DRAFT