

Ymgynghoriad **Baw Cŵn** **Dog Fouling** Consultation



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 2017

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 2017' (the 'Order').
2. This Order comes into force on XXXXXXXX 2017 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 playgrounds and 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 for such period and/or in such circumstances as directed by the Authorised Officer; and
 - (v) A prohibition excluding dogs from all schools 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(s)' 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.

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/she cannot reasonably be expected to remove the faeces; or
- (iv) has some other disability, such that he/she 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.

PROPOSED ORDER