

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**22<sup>nd</sup> JUNE 2017**

#### **PUBLIC SPACES PROTECTION ORDER (DOG CONTROLS)**

#### **JOINT REPORT OF DIRECTOR OF HIGHWAYS AND STREETCARE SERVICES AND SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION, IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDERS, COUNCILLOR A CRIMMINGS AND COUNCILLOR RHYS LEWIS**

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#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to inform Members of the outcomes of the public consultation exercise and seek authority to make a Public Spaces Protection Order ('PSPO') to introduce dog controls in Rhondda Cynon Taf, 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 introduction of a Public Spaces Protection Order to introduce prohibitions and requirements in relation to the control of dogs;
- 2.2 Considers the responses to the public consultation and determine whether any amendments are required to the proposed prohibitions and requirements in relation to the control of dogs as detailed in Appendix 2 to the report;
- 2.3 Subject to 2.2 above, makes a Public Spaces Protection Order for the control of dogs in Rhondda Cynon Taf as detailed in Appendix 2 to the report;
- 2.4 Subject to 2.3 above, gives delegated authority to the Service Director, Public Health & Protection, in consultation with the Director of Highways and Streetcare Services, to produce the final Public Spaces Protection Order relating to Dog Controls and ensure its publication on the Council's website;

- 2.5 Subject to 2.3 above, agrees to fund implementation of the Public Spaces Protection Order in 2017/18 through existing available resources, including, increasing the Enforcement Team within Highways & Streetcare Services to ten officers; and
- 2.6 Subject to 2.3 above, undertake a high profile awareness and marketing campaign prior to the proposed commencement date of the Public Spaces Protection Order on 1<sup>st</sup> October 2017.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 Dog fouling remains a significant concern for the Council. Despite considerable efforts to promote responsible dog ownership and to enforce the provisions of the Dogs (Fouling of Land) Act 1996, there remain a minority of dog owners who do not clean up after their dogs or keep them under control. Dog fouling is unpleasant and a risk to human health, particularly amongst children.
- 3.2 A PSPO will allow the Council to introduce a range of reasonable and proportionate restrictions on the use of publicly accessible land across the County Borough. This would enable the Council to better control the harmful activities of irresponsible dog owners whilst enabling responsible dog owners to continue to exercise their dogs without undue restrictions.

### **4. BACKGROUND**

- 4.1 Dog fouling is unsightly, unpleasant and can lead to serious illness in humans such as toxocariasis. This disease can be controlled if dog faeces are disposed of immediately in a responsible manner.
- 4.2 The majority of dog owners are responsible, clean up after their dogs and keep them under control. However, the Council receives many complaints each year about dog fouling in public places. In addition, some of our playing fields need to be routinely checked for dog fouling before they can be used.
- 4.3 In response to public concerns the Cabinet, at its meeting of the 9<sup>th</sup> February 2017, resolved to undertake a 4-week public consultation on a proposal to introduce a PSPO to introduce dog controls in Rhondda Cynon Taf.
- 4.4 This report presents the results of the public consultation and seeks Cabinet approval to make a PSPO to introduce dog controls across the County Borough subject to any amendments the Cabinet may consider necessary in response to the consultation.

## **5 CONSULTATION**

5.1 The full consultation report is at Appendix 1. The methodology adopted included an online questionnaire, a webpage outlining the proposals and a “what you need to know” fact sheet. Promotion was via posters in key Council facilities, social media and the press and at a large number of engagement events and forums held across the County Borough. There was also engagement with key stakeholders and the Public Service Delivery, Communities and Prosperity Scrutiny Committee. Overall, more than 1600 people were engaged in the consultation process.

5.2 The key findings arising from the 542 online responses to the consultation can be summarised as follows:

- Over 90% of respondents supported the Council’s proposed approach to dealing with dog fouling,
- 91.2% of respondents said that they agreed that dog fouling should be prohibited,
- 86.8% of respondents agreed that dogs should be kept on leads in playgrounds,
- 94.2% of respondents agreed that dogs should be kept on leads in cemeteries,
- 97.6% of respondents agreed that dog owners should be required to carry bags or other suitable means for disposing of their dogs faeces,
- 93.1% of respondents agreed that authorised officers should give direction to dog owners if necessary,
- 85.3% of respondents said that dogs should be excluded from all schools,
- 80.7% of respondents agreed that dogs should be excluded from all marked sports pitches,
- 88.1% of respondents agreed with increasing the fixed penalty fine to £100.
- 59% of respondents agreed that the rules should be changed to allow dogs in cemeteries as long as they were on a lead,

5.3 The key findings arising from the public engagement events can be summarised as follows:

- 99% of respondents agree that dog fouling should be prohibited in all public places,
- 98% of respondents agree that dogs should be kept on leads in playgrounds and cemeteries owned and/or maintained by the Council,
- 100% of respondents agree that dog owners should be required to carry bags or other suitable means for disposing of their dog’s faeces,
- 99% of respondents agree that authorised officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary,

- 90% of respondents agree that dogs should be excluded from all schools and marked sports pitches owned and/or maintained by the Council, and
  - 91% of respondents agree that the fixed penalty fines be increased to the maximum permitted of £100.
- 5.4 There is clearly overwhelming public support for the majority of the prohibitions and requirements proposed for inclusion in the PSPO. The only area where the responses would appear to be less clear would be in respect of cemeteries.
- 5.5 The Council currently excludes dogs from cemeteries under its Bereavement Services rules and regulations. The consultation sought views on whether this exclusion should be relaxed and instead dogs be allowed in cemeteries as long as they are kept on leads. The online responses showed that 59% of respondents were in support of relaxing the current exclusion of dogs from cemeteries. 37% disagreed and felt that the rules should remain the same. However, at the public engagement events 83% of respondents were supportive of relaxing the current exclusion of dogs from cemeteries. Diverse views were expressed on this subject and these are included in the full report. Some respondents felt that allowing dogs in cemeteries was disrespectful, whilst others felt that their pets were involved in the grieving process. Others felt that it was acceptable as long as the other prohibitions and restrictions were observed.
- 5.6 Other observations arising from the consultation process can be summarised as follows:
- There was support for investment in more enforcement resources and more dog waste bins in support of the introduction of the PSPO as well as increasing promotion and awareness raising,
  - There was a degree of confusion over the definition or meaning of some of the prohibitions and restrictions,
  - There was some concern that the prohibition on marked sports pitches would limit the opportunities for people to exercise their dogs, particularly for people living in town centres.
  - There was some support for creating designated dog areas where people could take their dogs,
  - There was some support for excluding dogs from playgrounds altogether,
  - There was a recurring theme that the majority of responsible dog owners should not be penalised at the expense of the minority of irresponsible dog owners.
- 5.7 The Council currently excludes dogs from playgrounds. The consultation asked whether there should be a requirement that dogs be kept on leads in playgrounds. Respondents supported this proposal however; there were strongly expressed views against allowing dogs into playgrounds at all. For example, one respondent replied, *“A playground is for children to freely enjoy and dogs have no place in playgrounds either on or off leads. Some children*

*are afraid of dogs & some dogs are unpredictable around children even on a lead!"* Another respondent replied, *"Depends on how you classify playground. In Llwydcoed for example, the playground also has a grass field next to it. My view is that the dogs should be OK to be off the lead on the field but on a lead or not allowed into the area that has the play equipment."* Other respondents expressed similar views.

- 5.8 The Council, in making a PSPO, will need to define the meaning of terminology included in the PSPO and the limitations of the requirements and prohibitions. For example, if the Council were to exclude dogs from playgrounds should this also include other recreational areas used by children for play such as paddling pools?
- 5.9 In light of the above comments, Members may wish to consider amending the proposed requirement that dogs are kept on leads in cemeteries and playgrounds to apply to cemeteries only; and extending the proposed exclusion of dogs from marked sports pitches and schools to include playgrounds and other recreational areas used by children for play such as paddling pools.
- 5.10 The profile of respondents is included in the full consultation report. This shows that the majority of online respondents were between the ages of 35 and 54 and that responses were received from residents living across the County Borough. 54% of online respondents were dog owners.
- 5.11 In addition to the online consultation and engagement events, other stakeholders were notified of the intention to make a PSPO and invited to respond to the consultation. These included:
- All Community & Town Councils in Rhondda Cynon Taf
  - Chief Constable of SW Police
  - Police & Crime Commissioner for SW Police
  - All neighbouring local authorities
  - Natural Resources Wales
  - Brecon Beacons National Park Authority
  - All schools in Rhondda Cynon Taf
  - The Assembly Members and Members of Parliament for Rhondda Cynon Taf
  - Unison, Unite & GMB
  - All County Borough Councillors for Rhondda Cynon Taf
  - Public Access Forums
  - Ramblers & Walking Groups
  - Animal Welfare Groups
  - The Kennel Club
  - Boarding Kennels
  - Sports Clubs
  - Youth Forum

- Older Persons Advisory Group
- Cwm Taf Community Safety Partnership Board

5.12 Responses were received from the following organisations:

- Caerphilly County Borough Council
- Merthyr Tydfil County Borough Council
- South Wales Police
- RSPCA Cymru
- Vale of Glamorgan Council
- Pontypridd Town Council
- The Kennel Club
- Powys Community Safety Partnership

5.13 The majority of stakeholder responses were supportive of the proposals. The RSPCA raised concerns over the proposed exclusion of dogs from marked sports pitches on the basis that this would also affect responsible dog owners who would clean up after their dog. Otherwise, the RSPCA accepted the other proposed restrictions and prohibitions subject to their enforcement being proportionate and reasonable and to staff having the necessary competencies. The Kennel Club expressed concerns over the proposed requirement that dog owners carry bags or other suitable means for disposing of their dog's faeces. The Kennel Club were concerned that this may penalise responsible dog owners who had used their bags during a walk but had then run out.

5.14 Given the overwhelming public support for the proposed prohibitions and restrictions and the supportive responses from SW Police and the majority of other stakeholders, the Council can confidently proceed with the necessary arrangements to make a PSPO, subject to any amendments that Members may wish to consider following the consultation.

5.15 Should the Council make a PSPO, it will be necessary to install signage informing the public of the restrictions and prohibitions at many public places, parks, cemeteries and playgrounds across the County Borough. It will also be necessary to recruit additional enforcement staff and provide training to existing staff to ensure they have the necessary skills to enforce the PSPO.

5.16 Members may also wish to consider undertaking a high profile awareness campaign in advance of implementation of the PSPO to ensure that the requirements and prohibitions of the PSPO are publicised and fully understood by residents. To allow time for the proper implementation of the PSPO Members are requested to consider a proposed commencement date of 1<sup>st</sup> October 2017.

## **6 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 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.
- 6.2 In developing these proposals, an Equality Impact Assessment screening has been 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.
- 6.3 The provisions of the proposed Order 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.
- 6.4 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.
- 6.5 For the purposes of the 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.
- 6.6 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.

## **7. FINANCIAL IMPLICATION(S)**

- 7.1 The Council must consider how it would enforce the prohibitions and requirements introduced under the PSPO, as failure to properly enforce would undermine its effect.
- 7.2 In order to enforce this order as outlined in the report, there will be a need to increase the number of enforcement officers within the service, taking the total number in the team to ten, with the additional officers having sole responsibility in dealing with this issue.
- 7.3 In addition to this, there will be a need for new signage to all areas where this order is to come into force, and this will ensure that the public are aware of where the order relates to. Staff within the Parks service will need training to enable them to enforce these provisions.
- 7.4 Funding to support these requirements is available from available earmarked reserves, confirmed as part of the closure process for the 2016/17 accounts. Base budget funding can then be built into 2018/19 budgets and beyond once resource implications are fully understood following implementation.

## **8. LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED**

- 8.1 Under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 'Act'), a local authority may make a PSPO 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 PSPO is an order that identifies the public place referred to in the restricted area and,
- a) Prohibits specified things being done in the restricted 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 in 8.2 above from continuing, occurring or recurring, or
  - b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 8.6 A PSPO order must identify the activities referred to in 8.2 above, detail the offence of non-compliance with it, and specify the period for which it has effect. It may not have effect for a period of more than 3 years.
- 8.7 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*. The consultation process described in this report and detailed at Appendix 1 has discharged these duties in respect of consultation, publicity and notification. This included the publication of the text of the proposed PSPO, reproduced at Appendix 2. In addition the Council has consulted with SW Police and other stakeholders and notified the Community Councils across Rhondda Cynon Taf. The Council, having fulfilled these obligations under the Act is therefore able to proceed to making the PSPO should it wish to do so.
- 8.8 In response to the consultation feedback, and to ensure compliance with the provisions of the Act it is recommended that prior to publication any final PSPO should clearly define relevant restricted areas, such as playgrounds and marked sports pitches.

## **9. LINKS TO THE COUNCILS CORPORATE PLAN AND FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT**

- 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 range of reasonable and proportionate prohibitions and requirements on the use of publicly accessible land that would better control of the harmful activities of irresponsible dog owners whilst enabling responsible dog owners to continue to exercise their dogs without undue restrictions. The proposals have been subject to a comprehensive public consultation which has confirmed that there is overwhelming public support for a PSPO to introduce dog controls across Rhondda Cynon Taf.
- 10.2 Cabinet is now asked to consider the responses to the public consultation and make a PSPO introducing the proposed prohibitions and requirements necessary for the control of dogs in Rhondda Cynon Taf as detailed in Appendix 2 (accounting for any amendments required by it following consideration of the consultation response).
- 10.3 Subject to 10.2 above, it is further recommended Cabinet gives delegated authority to the Service Director, Public Health & Protection, in consultation with the Director of Highways and Streetcare Services, to produce the final PSPO relating to Dog Controls and ensure its publication on the Council's website.

### ***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**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**22<sup>nd</sup> JUNE 2017**

**JOINT REPORT OF DIRECTOR OF HIGHWAYS AND STREETCARE SERVICES  
AND SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION, IN DISCUSSION  
WITH THE RELEVANT PORTFOLIO HOLDERS, COUNCILLOR A CRIMMINGS  
AND COUNCILLOR RHYS LEWIS**

**PUBLIC SPACES PROTECTION ORDER (DOG CONTROLS)**

**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 Rosser: 9<sup>th</sup> February 2017
- b) Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 12
- c) Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: statutory guidance for frontline professionals. Home Office: July 2014

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TREFTADAETH GADARN | DYFODOL SICR



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SAY EICH  
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## Appendix 1

# Ymgynghoriad **Baw Cwân** **Dog Fouling** Consultation

*Rhondda Cynon Taf County Borough Council  
Consultation Team  
April 2017*

**Public Spaces Protection Order/ Dog Fouling  
Consultation**

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## EXECUTIVE SUMMARY

- This report presents the findings of the consultation on proposals for a Public Spaces Protection Order consultation on dog fouling in Rhondda Cynon Taf.
- The consultation ran from the 17<sup>th</sup> February to the 17<sup>th</sup> March. The approach taken was face to face engagement, using boards as visual aids and a set list of discussion prompts to aid discussion.
- The methods included; an online questionnaire, a webpage outlining the proposals and a 'What you need to know' sheet. Promotion was via posters in key Council facilities, social media and the press and a large number of engagement events and Forums were held. There was also engagement with key stakeholders and the Public Service Delivery, Communities & Prosperity Scrutiny Committee.
- Overall, over **1600 people** were engaged in the consultation process.

### Online Responses

- Over 90% of online respondents said they supported the proposed Council approach to dealing with dog fouling.
- 91.20% said that they agreed that dog fouling should be prohibited (*where an owner without reasonable excuse, fails to remove its faeces from the land immediately*).
- 86.80% agreed that dogs should be kept on leads in playgrounds.
- 94.2% of respondents agreed that dogs should be kept on leads in cemeteries owned or maintained by the Council.
- 97.60% agreed that dog owners should be responsible when disposing of their dog's faeces.
- 93.1% of respondents agreed that authorised officers should give direction to dog owners if necessary.
- 85.30% said they agreed that dogs should be excluded from all schools owned or maintained by the Council.
- 80.70% agreed that dogs should be excluded from all marked sports pitches owned or maintained by the Council.
- 88.10% of respondents answering this question agreed with the proposed increase to the penalty fine.
- 59% of respondents agreed that the rules should be changed to allow dogs in cemeteries as long as they were on a lead.
- 52% of respondents felt that the Council didn't do enough to raise awareness about the issue of dog fouling.

- The main themes coming through from all proposals were:
  1. The need for more enforcement (*having enough officers / officers having authority to put fines in places / catching people / awareness of people getting caught*).
  2. Further clarification of some aspects of the proposals (*clear definitions of dog fouling, fines, protocols when a dog is unwell, sports pitch / area, and the difference between playgrounds & parks*).
  3. Concerns over bags being left around the countryside with dog faeces in (*not being disposed of properly and the fact they're non-biodegradable*).
  4. The need for even more dog bins, more accessible dog bags, more collections, more signage and more promotion of where you can put dog waste, what the rules are and what the hazards of dog waste are.
  5. General attitude that the majority of dog owners are responsible.
  6. The need for designated dog parks / areas for walking and exercising dogs in a safe environment.
  7. The general feeling that dogs should be kept on a lead in public places.
  8. Owners should always carry bags.
  9. Health & safety concerns, particularly in playgrounds, schools & sports pitches (*concern over disease and feelings of safety*)
  10. Increase fines by more than the proposed £100.
- Respondents were asked if there were any other proposals in relation to dog control that they felt the Council should consider. The responses included;
  - A mechanism for members of the public to report dog fouling / hotspots / provide evidence / photography to the Council
  - Promotion and awareness
  - Emptying bins on a more regular basis / more bins available / replace missing bins
  - Increase Enforcement officers
  - More power to Council Enforcement Officers to enable them to carry out their job
  - DNA recording / registration scheme / chipping dogs
  - Publish details of offenders
  - Team up with residents for support, community campaigns Re-
  - Introduce specific Dog Zones
  - Bag dispensers attached to bins

- Analyse hot spots for fouling and produce reports by location in order to identify and cover problem areas
- Extend requirements of dogs on leads to Active Travel routes / cycle / community routes / common land as well as public areas
- Fence off sports areas
- Amend wording to state 'under control'

### Events

- The vast majority of respondents at the events agreed with the following proposals that were outlined to them on consultation boards.

<b>Proposal</b>	<b>Agree (%)</b>	<b>Disagree (%)</b>
Dog fouling should be prohibited in all public places	<b>99</b>	1
Dogs should be kept on leads in playgrounds and cemeteries owned or maintained by the Council	<b>98</b>	2
Dog owners should be required to carry bags or other suitable means for disposing of their dogs faeces	<b>100</b>	0
Authorised officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary	<b>99</b>	1
Dogs should be excluded from all schools and marked sports pitches owned or maintained by the council	<b>90</b>	10
The maximum permitted fixed penalty notice be increased to £100	<b>91</b>	9

## 1. INTRODUCTION

- 1.1 This report presents the findings of the consultation on proposals for a Public Spaces Protection Order on dog fouling 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 presents the views that were received at the various engagement events, forums and committees.
- 1.6 Section 6 outlines some the stakeholders who responded to the consultation.

## 2. BACKGROUND

- 2.1 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.
- 2.2 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, some of our playing fields need to be checked for dog fouling before they can be used; on occasion individuals wishing to use the playing field for sport are doing this.
- 2.3 Currently, the Enforcement Team will approach a dog walker and ask whether they are carrying dog bags. If they are not, the Enforcement Team will give the dog owner dog bags and remind them that it is offence not to pick up dog mess. At the moment, our officers are unable to enforce this requirement.
- 2.4 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.
- 2.5 The PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public space, safe from anti-social behaviour.

- 2.6 The Anti-Social Behaviour, Crime & Policing Act 2014 repealed a number of specific provisions relating to Orders, including dog control orders made under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005. There were five offences available under a Dog Control Order:
- a) Failing to remove dog faeces;
  - b) Not keeping a dog on a lead;
  - c) Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
  - d) Permitting a dog to enter land from which dogs are excluded;
  - e) Taking more than a specified number of dogs onto land.
- 2.7 These provisions of the Clean Neighbourhoods and Environment Act 2005 have been repealed by the Anti-Social Behaviour, Crime & Policing Act 2014. However, the Council is able to use a PSPO to introduce similar controls on the presence of dogs, as well as wider controls to deal with anti-social behaviour on land accessible to the public.
- 2.8 The Council can make a PSPO in consultation with the Police and other relevant bodies who may be affected. The Order will have effect for a period of no more than 3 years. However, the Council may extend the Order for a further 3 years if there are reasonable grounds for doing so.
- 2.9 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.
- 2.10 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.
- 2.11 Although PSPOs are made by the Council, enforcement should be the responsibility of a wider group. Council officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers and PCSOs will have the ability to enforce the order.
- 2.12 The Act requires that before it can make a PSPO the Council must carry out the necessary consultation.
- 2.13 It was proposed that the Council undertake a comprehensive consultation exercise with the public, relevant bodies and other interested parties on proposals to introduce a PSPO in the following areas, introducing prohibitions and requirements in relation to the control of dogs:
- a) Dog Fouling – applicable to all public places in the county borough of Rhondda Cynon Taf;
  - B) Dogs on Leads – applicable to all cemeteries and play grounds owned and/or maintained by the Council;

- C) Dogs on Leads by Direction - applicable to all public places in the county borough of Rhondda Cynon Taf;
- d) Dog Exclusions - applied to all schools and marked sports pitches under local authority control.

- 2.14 The prohibition on dog fouling will make it an offence if a dog defecates on land to which the Order applies, and the person in charge of the dog fails to remove the faeces from the land forthwith. This will include a requirement that the person in charge of the dog must have bags or other suitable means of removing the faeces with them.
- 2.15 The dogs on leads requirement will make it an offence if a person in charge of a dog fails to put the dog on a lead in all public parks owned/maintained by the Council.
- 2.16 The dogs on leads by direction requirement will make it an offence if a person in charge of a dog fails to comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead for such period/or in such circumstances as directed by the Officer.
- 2.17 The dog exclusions prohibition will make it an offence if a person in charge of a dog takes it onto land, or permits the dog to enter or remain on, any land to which this part of the Order applies.
- 2.18 The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 2.19 The Council, in making a PSPO, may specify the amount of fixed penalty fine payable in respect of any of the above offences at no more than £100.

### 3. METHODOLOGY

- 3.1 The consultation ran from the 17<sup>th</sup> February to the 17<sup>th</sup> March, 2017.
- 3.2 The aim of the consultation was to gather the views of residents and other relevant bodies and interested parties on proposals to introduce a Public Spaces Protection Order, with regards to dog fouling.
- 3.3 The following methods were used to consult with stakeholders;
- An online questionnaire.
  - An online webpage outlining the proposals and an FAQ sheet.
  - Promotion via posters in key Council facilities and the press.
  - Advertised on Social Media. The Council's twitter account has over 8,000 followers.
  - A dedicated email address ([consultation@rctcbc.gov.uk](mailto:consultation@rctcbc.gov.uk)) and free post address was provided.
  - A large number of engagement events (see below)
  - RCT wide Youth Forum
  - Older Persons Forum (Rhondda)
  - Disability Forum
  - RCT Access Group
  - Communication with key stakeholders, including the partnership board, neighbouring local authorities, RSPCA and Kennel Club.
  - The Public Service Delivery, Communities & Prosperity Scrutiny Committee.
  - Letter sent to to Public Access Forums and Ramblers and Walking Groups.
- 3.5 The following engagement events took place during the consultation;

#### Town Centres

DATE (w/c)	Detail/Events
<b>Wednesday 1st March</b>	Aberdare Town Centre
<b>Thursday 2nd March</b>	Pontypridd Town Centre
<b>Friday 3rd March</b>	Tonypandy Town Centre
<b>Tuesday 7th March</b>	Mountain Ash Town Centre
<b>Wednesday 8th March</b>	Porth Town Centre
<b>Thursday 9th March</b>	Talbot Green retail park
<b>Friday 10th March</b>	Ferndale Town Centre

**Primary Schools**

<b>DATE (w/c)</b>	<b>Detail/Events</b>
<b>Wed 1st March</b>	Hawthorn Primary School
<b>Thurs 2nd March</b>	Cilfynydd Primary School
<b>Friday 3rd March time TBC</b>	Aberdare Park Primary
<b>Monday 6th March</b>	Llwyncrwn Primary School
<b>Monday 6th March</b>	Caegarw Primary School
<b>Tuesday 7th March</b>	Darren Las Primary School
<b>Tuesday 7th March</b>	Darran Park Primary School
<b>Thurs 9th March</b>	Aberdare Town Church In Wales Primary School
<b>Thurs 9th March</b>	Cwmlai Primary School
<b>Friday 10th March</b>	Penyreglyn Community Primary School
<b>Monday 13th March</b>	Llanharan Primary School
<b>Monday 13th March</b>	Our Lady's RC Primary School
<b>Tuesday 14th March</b>	YGG Llwyncelyn
<b>Wednesday 15th March</b>	Ysgol yr Eos
<b>Wednesday 15th March</b>	YGG Garth Olwg
<b>Thursday 16th March</b>	YGGG Llantrisant
<b>Thursday 16th March</b>	Cymmer Primary School
<b>Friday 17th March</b>	YGG Aberdar
<b>Friday 3rd March</b>	Glenboi Community Primary School

**PARKS**

<b>DATE (w/c)</b>	<b>Detail/Events</b>
<b>Monday 20th February</b>	Dare Valley Country Park
<b>Tuesday 21st February</b>	Ynysangharad War Memorial Park
<b>Wednesday 22nd February</b>	Aberdare Park
<b>Thursday 23rd February</b>	Bronwydd Park
<b>Friday 24th February</b>	Barry Sidings

**Leisure Centres**

<b>DATE (w/c)</b>	<b>Detail/Events</b>
<b>Monday 20th February</b>	Sobell Leisure Centre
<b>Tuesday 21st February</b>	Abercynon Sports Centre
<b>Wednesday 22nd February</b>	Rhondda Sports Centre
<b>Thursday 23rd February</b>	Llantrisant Leisure Centre

- 3.6 The approach used face to face engagement, with boards as visual aids and a set list of discussion prompts to aid discussion.
- 3.7 Overall, over **1600 people** were engaged in the consultation process.

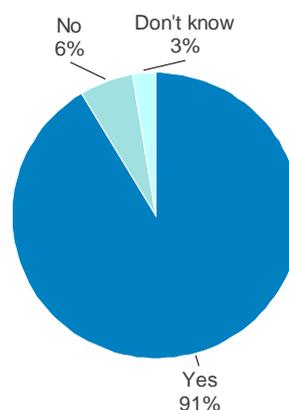
## 4. Online Survey Results

- 4.1 542 responses were received to the online survey.

### Overall

- **Over 90% of respondents to the online survey said they supported the Council's proposed approach to dealing with dog fouling.**

Do you generally support the proposed Council approach to dealing with dog fouling?



**Figure – 1**

### Main themes coming through from all proposals are:

1. The need for more enforcement (*having enough officers / officers having authority to put fines in places / catching people / awareness of people getting caught*)
2. Further clarification of some aspects of the proposals (*clear definitions of dog fouling, fines, protocols when a dog is unwell, sports pitch / area, and the difference between playgrounds & parks*)
3. Concerns over bags being left around the countryside with dog faeces in (*not being disposed of properly and the fact they're non-biodegradable*).

4. The need for even more dog bins, more accessible dog bags, more collections, more signage and more promotion of where you can put dog waste, what the rules are and what the hazards of dog waste are.
5. General attitude that the majority of dog owners are responsible.
6. The need for designated dog parks / areas for walking and exercising dogs in a safe environment.
7. The general feeling that dogs should be on a lead in public places / under control at all times.
8. Owners should always carry bags on them.
9. Health & safety concerns, particularly in playgrounds, schools & sports pitches (*concern over disease and feelings of safety*)
10. Increasing fines by more than proposed to deter people.

**Proposal A.) 'Dog fouling' (meaning a person in charge of a dog, without reasonable excuse, fails to remove its faeces from the land immediately) should be prohibited in all public places.**

Counts Analysis % Respondents	
	<b>Base</b>
	<b>537</b> <b>100.00%</b>
<b>A.)That 'dog fouling' should be prohibited in all public places</b>	
	<b>Yes</b>
	490 91.20%
	<b>No</b>
	32 6.00%
	<b>Don't know</b>
	15 2.80%

**Figure – 2**

- 4.2 Out of 537 responses to this question, 490 (91.20%) said that they agreed that dog fouling should be prohibited (*where an owner without reasonable excuse, fails to remove its faeces from the land immediately*).

### **Main themes emerging from Proposal A.**

- Concerns over policing / enforcing / need for more dog wardens or enforcement officers
- Concerns over Council cut backs contributing to policing / enforcing the proposal
- Confusion over existing laws of fouling (more clarity around the definition of dog fouling, what to do with dog diarrhoea and what is defined as Council owned land / public places)
- Concerns over forestry / countryside and the decomposition of plastic bags that are left (uncertainty over the need to pick up in country lanes)
- Annoyance of dog bins that are full and the need for more regular collections
- Issues with using bins when also used by people for non dog waste (possible re-design of bins to allow only dog faeces to be placed in there and a more ergonomically friendly design for ease of use)
- Cat fouling – reports that this is also an issue
- Health hazards surrounding dog faeces – more awareness needed
- Views on second chances and first time warnings
- The expense to the Council over dog fouling ‘clear-up’
- Overall strong feeling / attitude that the majority of dog walkers / owners are responsible and the general anger towards non-responsible owners

**Quotes:**

*“However, it is critical that this is enforced and that enforcement officers are visible and engaged with dog owners and walkers.”*

*“Where I live, farmers have said they DON'T want dog owners traipsing through their crops to pick up after their dogs, thank-you; the faeces should be left to decompose naturally. In the countryside.....”*

*“I carry bags obtained free from the library and pick up on the odd occasion my dog fouls but I am annoyed at the increasing number of owners who do not pick up after their dogs”*

*“All public pathways should have this act. Forestry - unless on pathway, should be left as plastic bags dumped dont let it decompose naturally.”*

*“Dog fouling has reached epidemic propotions in the valleys. A serious change of attitude is needed.”*

*“It would depend on what you deem as Public Places - this would need to be very clear to avoid any problems”*

*“There is a distinct difference between dog fouling which is removed swiftly by owners and dog fouling which is not and becomes a nuisance and health hazard. The blanket treatment of all dog owners is unfair and it is the minority that cause the issue not the majority.”*

**Proposal B.) Dogs should be kept on leads in playgrounds owned or maintained by the Council.**

Counts	Analysis %
Respondents	
<b>Base</b>	<b>538</b> <b>100.00%</b>
<b>b.) That dogs should be kept on leads in playgrounds owned or maintained by the Council?</b>	
<b>Yes</b>	467 86.80%
<b>No</b>	62 11.50%
<b>Don't know</b>	9 1.70%

**Figure – 3**

4.3 86.80% agreed that dogs should be kept on leads in playgrounds. Over 10% (62 respondents) disagreed with this proposal.

**Main themes emerging from Proposal B.**

- Dogs should always be kept on leads
- Shouldn't be allowed in playgrounds whether on a lead or not - Playgrounds are for children, not dogs (Health & Safety aspects (fear of dogs, disease, - harmful to children, dogs are unpredictable)
- Idea of designated 'Dog park' or 'Dog areas' – a place solely for dogs to be exercised
- Responsible owners know when it's appropriate to put a dog on a lead
- Clearer definition of Play grounds and Parks (confusion over prohibition of this – parks, play areas, open areas, fenced and gated areas etc)
- Allow in open spaces and parks
- Discretionary basis (allow dogs if no-one is around as long as they're picked up after / well behaved)
- A clear need for dogs to be on a lead / under control around other dogs
- Proposal should be extended to cycle paths / active travel routes / streets and not just areas owned by the Council
- Concerns over policing / enforcing proposal
- Reference to the Open Access Bill

**Quotes:**

*“A playground is for children to freely enjoy and dogs have no place in playgrounds either on or off leads. Some children are afraid of dogs & some dogs are unpredictable around children even on a lead! How about creating 'dog only' designated/designed parks as they have in US cities.”*

*“but common sense needs to prevail eg in ynysangharad park this would only be the play ground area, and dogs can be off the lead in the rest of the Park.”*

*“Depends on how you classify playground. In Llwydcoed for example, the play ground also has a grass field next to it. My view is that the dogs should be OK to be off the lead on the field but on a lead or not allowed into the area that has the play equipment.”*

*“Dogs should not be allowed in a playground full stop whether they are on a lead or not”*

*“Yes but how are you going to police this!”*

*“This will only work if the council also provides dog friendly areas.”*

*“Providing dog waste is picked up by responsible owners it is unfair to discriminate against responsible dog owners. In addition perhaps there should be designated dog areas/ parks to allow safe and hygienic exercising”*

*“dogs should not be allowed to foul on or near a playground or grass even if picked up the toxicaris stays in the earth for years.!”*

**Proposal C.) Dogs should be kept on leads in cemeteries owned or maintained by the Council.**

Counts	
Analysis %	
Respondents	
<b>Base</b>	<b>537</b> <b>100.00%</b>
<b>c.)That dogs should be kept on leads in cemeteries owned or maintained by the Council?</b>	
<b>Yes</b>	506 94.20%
<b>No</b>	24 4.50%
<b>Don't know</b>	7 1.30%

**Figure – 4**

- 4.4 Over 90% of respondents agreed that dogs should be kept on leads in cemeteries owned or maintained by the Council.

### **Main themes emerging from Proposal C.**

- Respect to burial grounds
- Apply proposal to all cemeteries (not just Council owned)
- Assurance that the majority of owners are responsible
- Disagree that they should be on a lead (under control should be enough)
- Dogs are banned from cemeteries – it should remain this way

### **Quotes:**

*“Agree with this, people should respect burial grounds.”*

*“cemeteries are not a busy place and this is over the top, an owner knows when a dog needs to be kept on a lead. it is the owners responsibility to watch for the dog defecating and it is not fair that all dogs have to be kept on leads when it is the owners responsibility to supervise”*

*“I am not in favour of allowing dogs to urinate on gravestones. I don't feel the proposed changes go far enough. Keeping a pet is an honour and a privilege, not a right.”*

*“Some people are not comfortable around dogs, and this should be considered.”*

### **Proposal D.) Dog owners should be required to carry bags or other suitable means for disposing of their dogs faeces**

<b>Counts Analysis % Respondents</b>	
<b>Base</b>	<b>537 100.00%</b>
<b>d.)That dog owners should be required to carry bags or other suitable means for disposing of their dogs faeces?</b>	
<b>Yes</b>	524 97.60%
<b>No</b>	10 1.90%
<b>Don't know</b>	3 0.60%

**Figure – 5**

- 4.5 Almost all respondents (97.60%) agreed that dog owners should be required to carry bags or other suitable means.

**Main themes emerging from Proposal D.**

- By not having bags, it shows no intention of cleaning up after dogs
- Educate & warn people first (hand out bags and fine later)
- Fine people who are caught without bags (no excuses)
- Suggestions to make bags more accessible alongside recycling scheme (issues with Council running out of bags)
- Policing / enforcement concerns (staff numbers and proof), Issues with proving innocence if challenged
- Legal rights issues (Section 8 & 14 of Human Rights Act)
- The feeling that carrying bags doesn't prove faeces is being disposed of correctly (issues with hanging off trees, throwing bags in bushes etc)
- Concerns over environment – bags not breaking down when left (non-biodegradable)
- Issues with feuds between neighbours / other dog walkers when challenged by one another
- Concerns over dog being unwell and unable to pick up after (used all of the bags / faeces non-pick-up able)
- Suggestions that little pouches are available that dispense dog poo bags on dog lead

**Quotes:**

*“although i think a bit of common sense would need to applied here too. isn't it better to educate and hand bags out and issue people with a first warning, then a fine next time?”*

*“And put in a specific dog poo bin or take it home to dispose of. I have seen used bags disgarded in the street & placed on the lids of green wheelie bins. More dog poo bins required.”*

*“Any owner that do not carry bags on their person should automatically be issued with a fine.”*

*“How will this be enforced? I will not allow myself to be stopped and searched by Council officers.”*

*“Together with a leash this is essential for legally compliant dog ownership so yes, bags should be carried by anyone with custody of a dog not on private property.”*

**Proposal E.) Authorised officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary**

Counts	Analysis %
Respondents	
<b>Base</b>	<b>535</b> <b>100.00%</b>
<b>e.)That authorised officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary?</b>	
<b>Yes</b>	498 93.10%
<b>No</b>	26 4.90%
<b>Don't know</b>	11 2.10%

**Figure – 6**

4.6 Over 90% of respondents agreed that authorised officers should give direction to dog owners if necessary.

**Main themes emerging from Proposal E.**

- Introduction of a penalty for non-compliance / abuse to officers
- Concern over dog owners being targeted / abuse of power from officers
- Confusion over need to control responsible people
- Suggestions to re-instate dog licences
- In agreement to also give out on the spot fines & check dog bag status
- Clear definition needed or clarification of what 'necessary' means and a clear description of why people will be stopped
- Clear need for officers to have authority in order for them to carry out their job
- dependent on the situation
- It's seen to be necessary for public safety

**Quotes:**

*“DEFINE IF NECESSARY! My dogs are off lead as much as they can be. This allows them to walk up to 3 times as far as the actual walk! They are put on lead where I know of a danger to, ie cats or other small animals! They are always under my control even off lead.”*

*“Definitely yes otherwise what is the point of all this. These officers need some types of authority to do their jobs and this is definitely one power they should have.”*

*“Depends on the dog, is the owner responsible?, what qualifies the officer to do so”*

*“If there is a safety risk to children and other dogs.”*

*“Owners are required by law to keep their dog under control while on public land. This needs to be enforced.”*

**Proposal f.) Dogs should be excluded from all schools owned or maintained by the council**

Counts Analysis % Respondents	
	<b>Base</b>
	<b>538</b>
	<b>100.00%</b>
<b>f.)That dogs should be excluded from all schools owned or maintained by the Council?</b>	
	<b>Yes</b>
	459
	85.30%
	<b>No</b>
	57
	10.60%
	<b>Don't know</b>
	22
	4.10%

**Figure – 7**

- 4.7 Slightly fewer respondents agreed with this proposal, although the vast majority were still in agreement (85.30%) , with over 10% stating that they disagreed that dogs should be excluded from all schools owned or maintained by the Council.

**Main themes emerging from Proposal F.**

- Issues with children being afraid of dogs (safety aspect in schools)
- Decisions like this should be left to individual Headteachers or Governing Bodies (Confusion over consistency of dog bans in schools)
- Unsure why dogs should be excluded if other rules are followed / applied (picking up of dog faeces, kept under control & on leads)
- Concerns over not being able to walk dog to pick up child
- Suggestions that children need to learn how to be around dogs

- Queries over assistance dogs (what happens to their faeces – it's still dangerous whether it's picked up or not)
- Dependent on dog / owner / situation
- Issues with dog fouling outside school gates

#### **Quotes:**

*"Absolutely. I am a dog owner with 3 children, and 1 of my children are very nervous. She is slowly coming around to our dog, but would be petrified if there were dogs on school grounds as the children see this as a safe place."*

*"As long as the dog is on a lead and any dog mess is picked up I don't see why a dog shouldn't be allowed on a school premises."*

*"Although surely that is a stance taken by the headteachers and governing bodies of most schools? Again, it should be left to discretion of governing bodies and headteachers to make these decisions - there may be genuine reasons why they may want to allow this at times and they need to assess that risk. Is a blanket ban on that really necessary or taking away more professional judgement by school leaders?"*

*"Children need to know how to behave around dogs and if owners are responsible then it's good for both children and dogs to socialise under supervision"*

*"There is also a problem with dogs fouling outside school gates and premises which should also be addressed."*

#### **Proposal g.) Dogs should be excluded from all marked sports pitches owned or maintained by the Council?**

<b>Counts</b>	
<b>Analysis %</b>	
<b>Respondents</b>	
<b>Base</b>	<b>535</b> <b>100.00%</b>
<b>g.)That dogs should be excluded from all marked sports pitches owned or maintained by the Council?</b>	
<b>Yes</b>	432 80.70%
<b>No</b>	80 15.00%
<b>Don't know</b>	23 4.30%

**Figure – 8**

- 4.8 Again, there were fewer respondents in agreement with the proposal to exclude dogs from all marked sports pitches at 80.70%. 15% disagreed with the proposal.

### **Main themes emerging from Proposal G.**

- Agree / total ban put in place (sports pitches are not for dogs)
- There are times when pitches are not in use
- Suggestions for designated dog areas to be put in place
- Queries over ban if owners are responsible (i.e keeping dog on a lead and picking up after them)
- Keep dogs off pitch but allow in surrounding areas
- Concern over enforcement (how will it be policed?)
- Proposal should extend to bowling greens and golf courses
- More clarification needed on pitch / surrounding areas (what is allowed?)
- Health and safety aspects (dangers of disease to people playing on pitches)
- Comments from people stating that these are the only places some people can walk / exercise their dogs in a safe environment
- Comments from people stating how many times they've had to pick up dog mess from pitches before a sports game
- The need to gate / fence off pitches
- Allow dogs on pitches as long as they're on a lead (the feeling that responsible owners are being penalised)
- More signs and bins required

### **Quotes:**

*"95% of the time these areas are not used for sports so is general open space now being categorised differently for different sectors of society?"*

*"Again a designated dog area could be an idea."*

*"Again, I take my dog to the local football field and I am a very responsible owner. This would be unnecessary, should be about responsibility"*

*"All too often dogs are walked on sports pitches urinating on areas where young children play and slide. Owners throw sticks leaving them strewn around the pitch and then the fouling which then has to be cleaned up by coaches if it's spotted. Simply no need with the countryside around RCT"*

*"Confusing not clear can I watch rugby being played down the Ynys with my dog on a lead do you mean no dogs on the pitch ?"*

*"Excrement left on playing fields etc. can be very hazardous and a risk to the health of those using the fields etc."*

*“For some people this is the only place to walk the dog and let them safely off the lead. It discourages people from walking which will improve their health.”*

*“Sports pitches should be fenced off to exclude dogs, not dogs excluded from the general area.”*

*“you would need signs up to make this clear, as it would be unfair to fine someone if there were no signs to make it clear that it is a council sports area and dogs are excluded.”*

**Proposal h.) The maximum permitted fixed penalty fine be increased to £100?**

Counts Analysis % Respondents	
Base	536 100.00%
<b>h.)That the maximum permitted fixed penalty fine be increased to £100?</b>	
Yes	472 88.10%
No	40 7.50%
Don't know	24 4.50%

**Figure – 9**

4.9 88.10% of respondents answering this question agreed with the proposed increase to the penalty fine.

**Main themes emerging from Proposal H.**

- Increase should be more than £100
- Warnings should be given first
- Escalating penalty structure for repeat offenders
- On the spot fines
- Suggestions for community service
- Attitude that this is a money making scheme for the Council / should be more in line with other fines (should be the same as litter fines)
- Concern whether an increase would make a difference and deter people
- The issue is enforcing it (unless you implement it, it won't work)
- Questioning how many people are currently caught (more publicising needed)

- Consideration to other waste over dog fouling / other things are more of a problem
- Fine should cover the cost of cleaning it up

### **Quotes:**

*“An on the spot fine is the only way you can enforce dog owners to become responsible. Not just signs up on the roads saying about fines but actual fines for people. Word of mouth will spread that enforcement has started.”*

*“Consideration to be given for escalation of penalties for repeat offenders.”*

*“Councils like yours just view dog owners as an easy way to make money. We're an easy target, because we have our dogs with us. The penalty for failing to pick up after a dog should be THE SAME as any other penalty for littering, and no more than that.”*

*“I consider fly tipping a far worse crime, and far more costly to clean up afterwards. I think our attention should shift to that”*

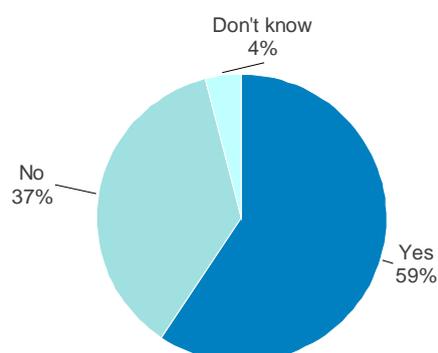
*“It should be £500 then they will think twice about leaving the mess.”*

*“need to demonstrate that this does happen”*

*“Should be increased further to reflect the cost of cleaning it up”*

4.10 Respondents were asked if they felt the current dog ban in cemeteries should be amended.

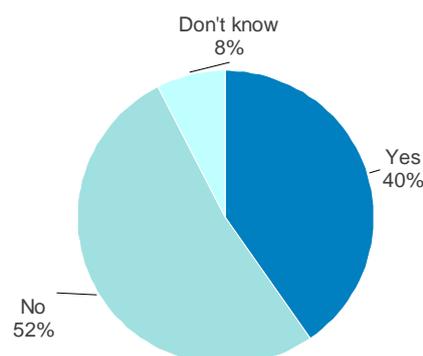
Dogs are currently excluded from Council cemeteries.  
Should this be amended to allow dogs on leads?



**Figure – 10**

- 4.11 59% of respondents agreed that the rules should be changed to allow dogs in cemeteries as long as they were on a lead. 37% disagreed and felt that the rules should remain the same.
- 4.12 Just over 50% of respondents felt that the Council didn't do enough to raise awareness about the issue of dog fouling and 40% said the Council did do enough.

Do you think the Council does enough to raise awareness about the issue of dog fouling?



**Figure – 11**

- 4.13 Respondents were asked if there were any other proposals in relation to dog fouling that they felt the Council should consider. There was a large response to this question, with 312 comments and ideas. A summary can be found below.

Common themes:

- A mechanism for members of the public to report dog fouling / hotspots / provide evidence / photography to the Council
- Promotion and awareness (what happens to dog waste after it is collected / promote positive usage if recycled for energy etc / awareness of seriousness of dog faeces
- Emptying bins on a more regular basis / more bins available / replace missing bins
- Increase Enforcement officers / more policing / cameras
- More power to Council Enforcement Officers to enable them to carry out their job (on the spot fines / removing aggressive dogs etc)
- DNA recording / registration scheme / electronic identity devices / chipping dogs
- Publish details of offenders
- Team up with residents for support, community campaigns and competitions / volunteer dog wardens / self-policing – ask residents for suggestions on where to put dog bins
- Re-introduce dog licences
- Introduce CCTV to catch culprits

- Consider Liverpool Mayor approach (reduction / free Council Tax if a reported dog fouler is prosecuted) / rewards for information
- Council should not provide dog bags free of charge (costs residents in Council Tax / use money to employ another officer instead)
- Introduce specific Dog Zones
- Bag dispensers attached to poo bins
- Analyse hot spots for fouling and produce reports by location in order to identify and cover problem areas

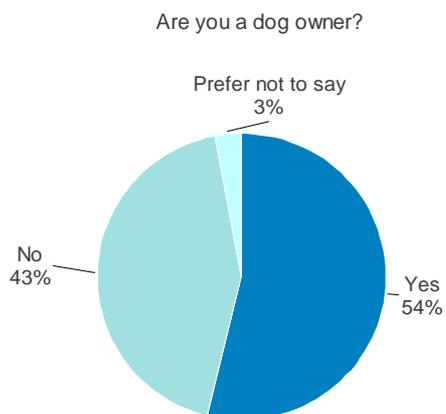
Other ideas:

- Extend requirements of dogs on leads to Active Travel routes / cycle / community routes / common land as well as public areas
- Fence off sports areas
- Amend wording to state 'under control'
- Monthly / quarterly street / pavement cleansing – consistent across RCT
- Serial numbers on bags and records of who collected them, to determine (if not disposed of properly) who used them
- By laws in parks
- Send on Social awareness courses if caught
- Ensure dangerous dogs are muzzled
- Delivery of dog poo bags to houses / awareness of service
- Get businesses to sponsor poo bags
- Promote dog training classes
- What about other animals? Cats / foxes / horses
- Various different levels of fines, i.e low level fine if people don't have poo bags
- Biodegradable fluorescent spray paint on dog poo
- Sign up to dog waste fobs to release bags in parks etc

4.14 Respondents were asked if they had any other comments. Generally, the same comments were made, additionally some people were thankful for the consultation and the work being done around dog fouling, with a general feeling that it is a big problem in the area and people are keen that the Council does something about it. Others specified more specific problem areas within Rhondda Cynon Taf (of which details were noted for further investigation).

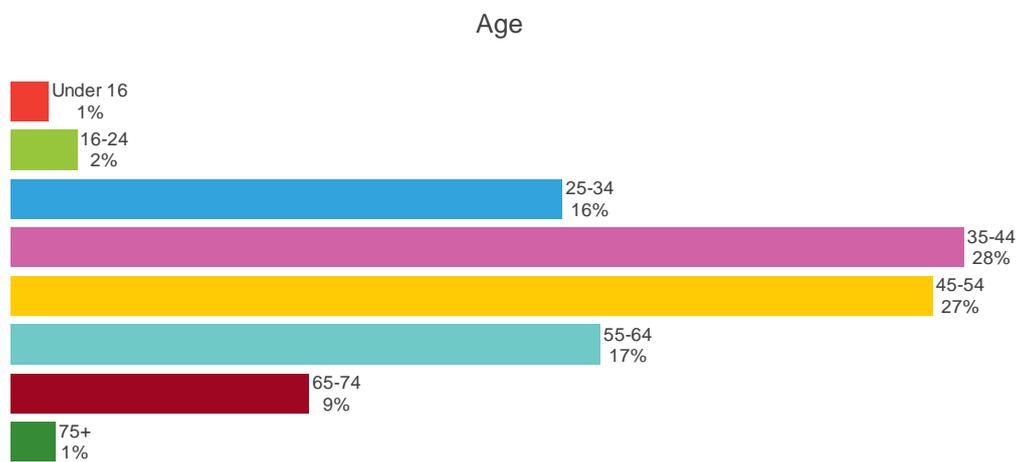
## Respondent Profile

4.15 54% of respondents to the online survey were dog owners.



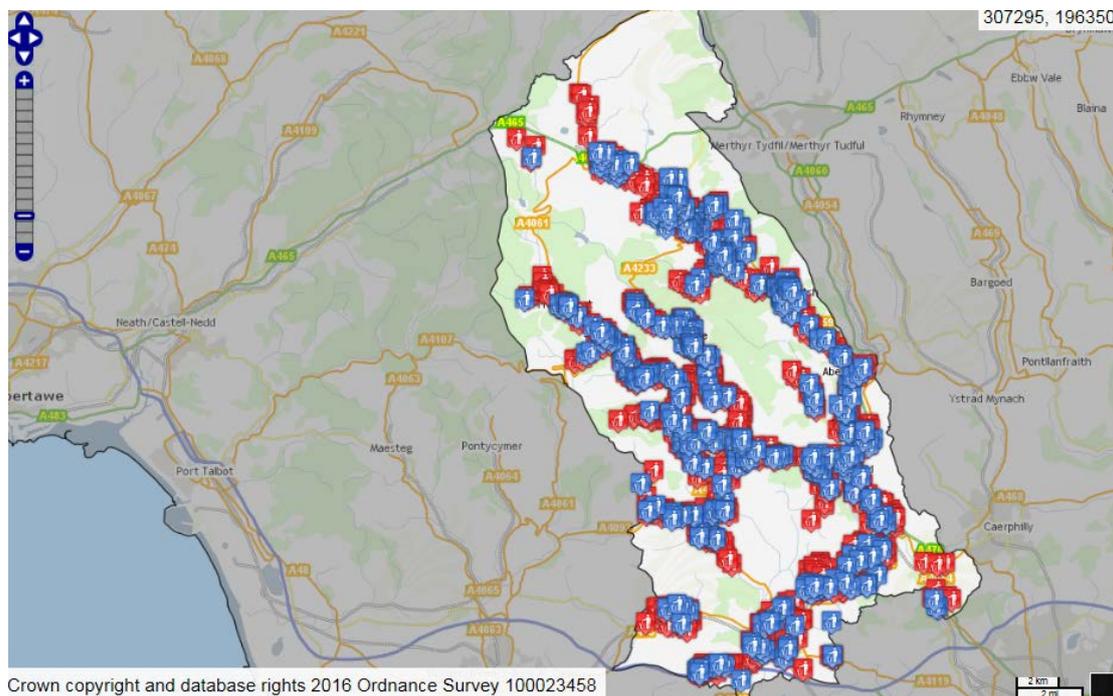
**Figure – 12**

4.16 The age groups of respondents were as follows:



**Figure – 13**

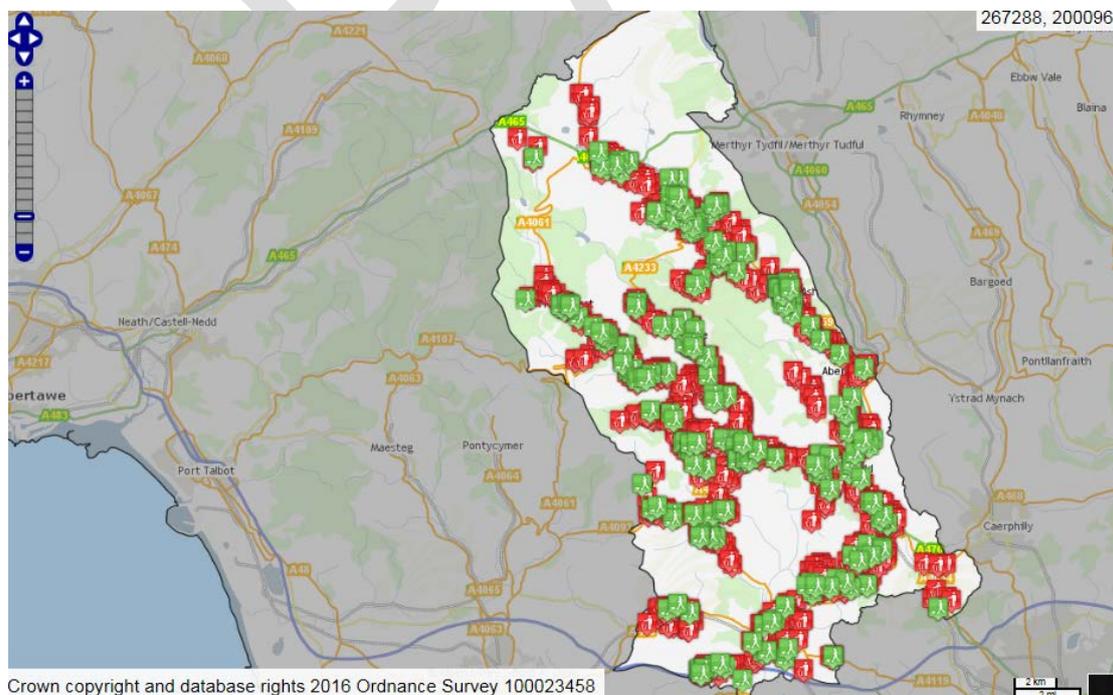
4.17 The majority of online respondents were between the ages of 35 and 54 (55%).



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**Figure – 14**

4.18 The postcodes of respondents are plotted on the map above (*in blue*). The red icons are where the dog bins are located in Rhondda Cynon Taf. The image below shows the dog owners who responded to the consultation (*in green*) in relation to dog bin location (*in red*).



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**Figure – 15**

## 5. Engagement Events

5.1 Overall, we engaged with approximately 1130 people at the various engagement events.

***N.B. not all respondents answered every question due to personal choice / opinion.***

5.2 The vast majority of respondents agreed with the following proposals that were outlined to them on the consultation boards.

Proposal	Agree (%)	Disagree (%)
Dog fouling should be prohibited in all public places	99	1
Dogs should be kept on leads in playgrounds and cemeteries owned or maintained by the Council	98	2
Dog owners should be required to carry bags or other suitable means for disposing of their dogs faeces	100	0
Authorised officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary	99	1
Dogs should be excluded from all schools and marked sports pitches owned or maintained by the council	90	10
The maximum permitted fixed penalty notice be increased to £100	91	9
Dogs are currently excluded from Council cemeteries. Do you agree that this requirement should be amended to allow dogs on leads?	83	17

**Figure – 16**

5.3 For the purpose of the events and for ease of engagement, the questions on the 8 proposals were simplified from the online survey and combined to allow us to consult using printed boards and other methods such as clipboards, when visiting town centres, parks, leisure centres, schools and forums.

5.4 As can be seen in the above figure, there is slightly less agreement, although still high, between the first 4 proposals and the last 3. 99% of respondents agreed that dog fouling should be prohibited in public places (*where a person in charge of a dog, without reasonable excuse, fails to remove its faeces from the land immediately*) and that authorised

officers should be allowed to give a direction to dog owners to put and keep their dog on a lead if necessary.

- 5.5 98% said they agreed that Dogs should be kept on leads in playgrounds and cemeteries owned or maintained by the Council, and a massive 100% of the people we spoke to agreed that Dog owners should be required to carry bags or other suitable means for disposing of their dog's faeces.
- 5.6 90% of respondents agreed that dogs should be excluded from all schools and marked sports pitches owned or maintained by the Council. Some comments included:

### **School & Sports Pitches responses:**

#### **Schools**

*"not in schools (3)"*

*"where there are children yes"(2)*

*"Can't always leave your dog but as long as it's on a lead and you pick up after it, should be ok in schools"*

#### **Sports pitches & surrounding area**

*"As long as they're on a lead they should be allowed around but not on the pitch. Short lead and control" (2)*

*"As long as on a lead on fields!" (2)*

*"and sports pitches kept away from"*

*"Allow on sports pitches if they're trained"*

*"sports pitches not so sure as long as they pick up after it should be ok"*

#### **Dependent on owner / dog / behaviour**

*"As long as there's a good owner"*

*"As long as they're on a lead & pick up poo"*

*"ok if cleaned up"*

#### **Unsure**

*"Sitting on the fence on schools / sports pitches"*

*"unsure about schools & sports pitches"*

*"Not if they're on a lead"*

*"all pitches, not just Council"*

*"couldn't decide as if they are not a menace then that's ok"*

### **Leisure Centre responses:**

#### **Schools**

*"Little brother is autistic and dog helps him in school environment"*

*"difficult from schools - no with pick up sports pitch yes"*

#### **Unsure**

*"Unsure on banning dogs when picking up children from school"*

*“sometimes it's the only space they have...?”*

*“ Unsure... I see both sides. It's all about responsibility”*

### **Sports pitches & surrounding area**

*“sports pitches yes, schools not so much, they should be allowed as they walk their dog there”*

*“on lead & well behaved it is ok on sports pitches but not on a lead”*

*“some elderly people can only go local - may not be able to take their dogs further than the playing fields”*

*“There's a massive issue with fouling on sports pitches”*

*“It's not nice when playing on sports pitches when a dog has fouled. You can go diving into it”*

*“Physically on pitch no - but surround areas should be allowed)”*

### **Dependent on owner / dog / behaviour**

*“Depends on the dog”(2)*

*“as long as dog poo is picked up it's ok”*

*“If a dog is on a lead in a school area / sports pitch that's acceptable”*

*“discretion on leads not excluded from schools / pitches”*

*“Depends on responsible owners”(2)*

*“depends”*

*“depends sports pitches”*

### **Other**

*“publicity needed about viruses that people & children can get from contact with dog mess”*

## **Town Centre responses:**

### **Dependent on owner / dog / behaviour**

*“Tonyrefail sports pitch - you can't always see the lines. Should be allowed if cleaned up”*

### **Sports pitches & surrounding area**

*“Keep off field but allow in surrounding area”*

*“Banned from sports pitches”*

*“Sports pitch issue causes arguments”*

*“If there's nothing going on then they should be allowed on a pitch”*

### **Other**

*“Problems with people leaving dogs run free”*

*“You can't always not have your dog with you at cemeteries and schools”*

*“The problem is there are no designated places for dogs to be let off the lead”*

*“the park should have designated areas where people can exercise their dogs”*

**Parks responses:****Sports pitches & surrounding area**

*"Where else can I take my dog for a walk if not on the sports pitch"*

*"agree that dogs should be excluded from sports pitches as long as there are places to take your dog off a lead"*

*"totally ban them from sports pitches"(3)*

*"walk around periphery"*

*"dog poo on pitches is dangerous"*

**Schools**

*"Schools maybe"(2)*

*"schools, up to schools as long as on a lead"*

*"dogs should be excluded from schools"*

**Dependent on owner / dog / behaviour**

*"depends on the dogs schools"*

*"as long as under control"*

*"dogs should be allowed in schools / sports pitches as long as they are on a lead and follow the rules"(3)*

**Forum responses:**

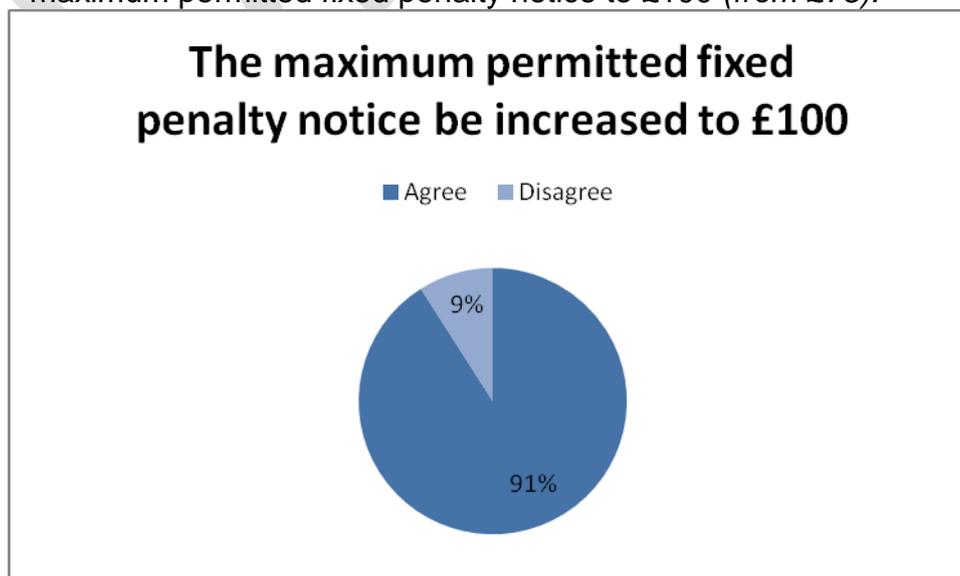
*"If organised properly then they should be allowed to"*

*"awareness dogs"*

*"There should be specific dog parks for dogs to socialise and exercise. Introduce this in RCT. Owners can run their dogs off the lead & have dog bins."*

**Fixed Penalty Notice:**

- 5.7 91% of respondents agreed that the Council should increase the maximum permitted fixed penalty notice to £100 (from £75).



**Figure – 17**

**School responses:****The current fine is enough**

*"enough"*

**No point in increase without enforcement / won't make a difference**

*"No point increasing fine if it's not enforced"(2)*

*"how often are fines dished out? It's not enforced!"*

*"AS long as it's enforced, increase the fine" (2)*

*"won't make a difference"(2)*

*"if the penalty is increased, will it really make a difference?"*

**Increase fine further**

*"fine should be £1000"*

*"fines up to more than £100 (5),*

*"increase the fine to at least £500"*

*"Should be more" (4),*

*"penalty should be £250 not £100"*

**Increase enforcement**

*"Increase enforcement (2),*

*"More enforcement needed so people know it's being enforced and publicised"*

*"the problem is catching people not doing it"*

**Leisure Centre responses:****The current fine is enough**

*"£75 is ok for the first offence"*

*"£100 is a lot to fine someone"*

*"Unsure. £75 would deter people, increasing it is more of an increased tax..."*

*"I disagree with the fine. It's education more than anything"*

*"£100 fine is a lot of money - it could be serious if someone who can't afford it has to pay that"*

**Increase fine further**

*"More £250" (3)*

*"More £ than £100"*

*"The fine could go higher "*

*"Fines should definitely be increased"*

*"I disagree with fine as it should be higher"*

**No point in increase without enforcement / won't make a difference**

*"Increased fined won't make a difference. They need to be enforced" (3)*

*"I've never heard of anyone being fined for dog fouling. It's all academic. No point in fine if you don't enforce it..."*

*"If people aren't going to pay £75 then they're not going to pay £100"*

**Increase enforcement**

*“As long as it's enforced”*  
*“In principle the rules will work but it will be unpolicable”*  
*“Needs to be enforced and better education for people”*  
*“undercover enforcement officers to come and undertake work”*

### **Dog licences / DNA / Micro-chipping**

*“dog licences can play in park - DNA test dogs to test mess + track dogs”*  
*“Pass cost of DNA testing on to owner”*  
*“Microchip + DNA testing to tackle dog fouling”*

### **Other publicise**

*“Ok to increase fines for dog fouling if they decrease fines elsewhere”*  
*“Trying to give people a ticket when they have a large dog is hard work. Start the fines small and build them up”*  
*“Fines - how do we collect money - what if not got money? Tie into education”*  
*“3 point education system”*

## **Town Centre responses:**

### **The current fine is enough**

*“Fine should remain at £75”*  
*“Issue if payment if people can't afford”*  
*“no a lot of people can't afford the fine”*

### **Increase fine further**

*“Increase fine to £1000” (2)*  
*“more than £100”(2)*  
*“would be happy with a higher fine”*

### **No point in increase without enforcement / won't make a difference**

*“it should be enforced more, not increased”*  
*“Stay as it is! £80 if had to go up, if £100 people would still foul but would not pay it!”*

### **Increase enforcement**

*“Enforcement is the issue” (4)*  
*“Police/PCSO's additional resource. PACT meetings - police can't do anything, they would with this”*

### **Dog licences / DNA / Micro-chipping**

*“Should take samples from dogs at the vet to then identify the poo when fouled. The owner when caught should pay the testing cost too”*  
*“DNA look up to identify dog foulers”*

### **Other / publicise**

*“Publicise when they fine people”(2)*  
*“Don't think they should be warned fined straight away”*  
*“where does the money go”*

**Parks responses:****The current fine is enough**

*"keep it £75 + enforce"*

*"Is the fine at £75 enforced?"*

*"fine is excessive"*

**No point in increase without enforcement / won't make a difference**

*"if it's not enforced then there's no point having a fine"(2)*

*"how many people are fined?"(2)*

*"increasing the fine doesn't do anything"*

*"need more enforcement officers (higher fines for people)"*

**Increase fine further**

*"Fines should be increased everytime they abuse the system"*

*"make it £500"(2)*

*"If it goes back into the service"*

*"I don't think £100 is enough it needs to be more"(2)*

*"The fixed penalty should be £1000 I disagree as it should be more"*

**Other / publicise**

*"Where's the fines going? back into this"*

*"occasionally get caught - 1 occasion"*

**Forum responses:**

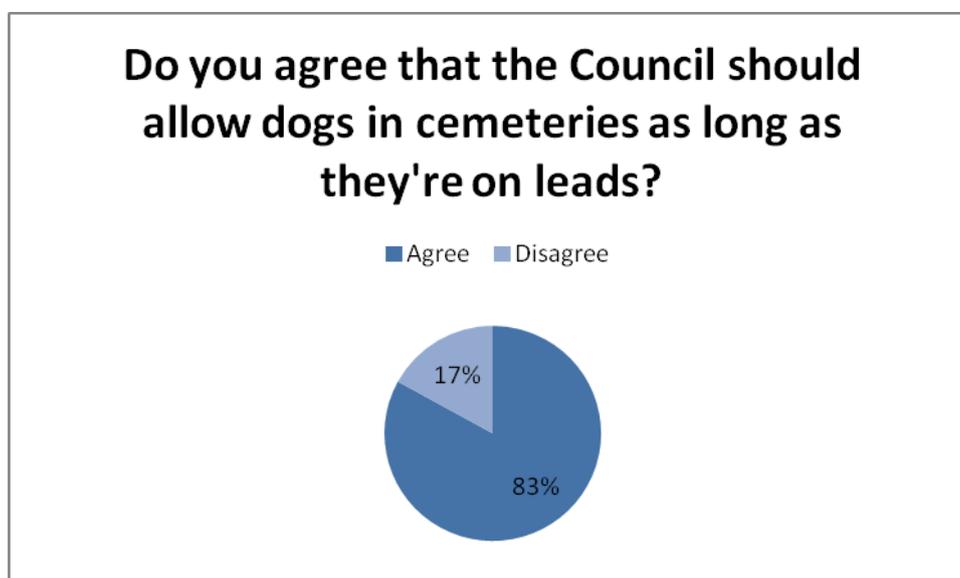
*"If you put a fine will they pay it"*

*"enforcement - will they catch them"*

*"Should be higher"*

## **Dogs in Cemeteries**

- 5.8 17% of respondents disagreed that the Council should amend the requirement excluding dogs from Council cemeteries.



**Figure – 18**

### **School responses:**

#### **No opinion**

*“no opinion on leads in cemeteries” (3)*

#### **Respect**

*“As a dog owner, I wouldn't take a dog in a cemetery in the first place”*

*“not the place to take a dog”*

*“not respectful”*

#### **As long as they're under control / down to responsible owner**

*“On a lead you'd have more control”*

*“Agree with dogs going into cemeteries on leads as long as that's what happens. Some people like to take their dogs with them”*

*“All depends on family”*

*“all down to owner”*

*“allow responsible people with dogs in cemeteries” (21)*

*“it might give people comfort while visiting as long as follow rules”*

*“Cemeteries are for our loved ones”*

*“unsure whether they should be allowed in cemeteries”*

### **Leisure Centre responses:**

#### **No opinion**

*“Unsure”*

*“Unsure as dogs could foul there”*

*“Neither agree or disagree on cemetery”*

**Other**

*"Dogs grieve too"*

*"How do people know if dogs foul in cemetery?"*

*"already takes dog on lead through cemetery because road is too narrow"*

**As long as they're under control / down to responsible owner**

*"No problem with allowing dogs in cemeteries"*

*"As long as they're on a lead"*

*"As long as they pick up the mess"*

**Town Centre responses:****Respect**

*"Only guide dogs in cemeteries"*

*"only service dogs should be allowed in cemeteries"*

**Other**

*"I wouldn't want to leave my dog outside a cemetery as they'd get stolen"*

*"What about churches?"*

*"Not allowed in cemeteries for recreational reasons"*

*"Unsure but if the dog knows their owner is there, then let them. Dogs 6th Sense".*

**Agree**

*"If I died, I'd like my dog to visit"*

*"Allow dogs in there to see their loved ones"*

*"if someone passed away and they took their dog to see them on a lead that's ok"*

**As long as they're under control / down to responsible owner**

*"Allow dogs in cemeteries on a lead as long as people are responsible"*

*"Okay for cemeteries but need to make sure people are picking up"*

*"leads & muzzled in cemeteries"*

*"as long as the dogs are under control and on leads"*

*"make sure it's enforced"*

*"as long as they're kept on a lead"*

**Parks responses:****Respect**

*"even if they pick up dog poo off a grave it's already happened"*

*"only assistance dogs should be allowed in cemeteries"*

**Other**

*"Some people want to take pets to cemeteries"*

*"dogs know where their person is buried"*

*"Elderly people would feel safer with dog"*

*"Allowing dogs in cemeteries is a great idea to allow them to visit"*

**As long as they're under control / down to responsible owner**

*"Happy to allow dogs in cemeteries, as long as they follow the other rules and are responsible"*

*"as long as they clean up in cemetery"*

*"with care + control with dogs in cemeteries"*

**Forum responses:**

*"taking a dog into a cemetery is disrespectful"*

*"Out of respect"*

*"assistance dogs should be marked up"*

*"A dog is part of the family"*

**RCT Youth Forum**

5.9 A session was held at the Youth Forum held on the 8<sup>th</sup> March, 2017. A video was shown on dog fouling, explaining that it is a big issue across the UK and the council is now looking to change the rules so that all dog owners should take action.

5.10 Using interactive key pads, agreement was sought on a number of statements, based on the Council's proposals. The results showed;

***No one should be allowed to leave dog mess in public***

Agree – 29 Disagree -5

***Dogs should be kept on leads in all council playgrounds***

Agree – 13 Disagree 21

***Dogs should be kept on leads in all council cemeteries***

Agree 29 Disagree – 5

***Dog Owners should always carry dog bags when walking their dogs***

Agree – 31 Disagree – 3

***Council Officers should be allowed to insist dog owners put their dog on a lead if needed to do so***

Agree – 27 Disagree – 7

***Dogs should not be allowed into any public school***

Agree 17 Disagree – 17

***Dogs should not be allowed onto any council sports pitch***

Agree – 19 Disagree – 15

***Do you think the council does enough to stop dog mess being left about?***

Agree – 4 Disagree - 28

## **Public Service Delivery, Communities & Prosperity Scrutiny Committee – 13<sup>th</sup> March 2017.**

- 5.11 The above Rhondda Cynon Taf Council Committee provided feedback on the proposals. The following note is taken from the minutes of the meeting;
- 5.12 Members expressed concern in respect of the staffing levels which would be required to oversee the PSPO should it be implemented, particularly to patrol areas which have been designated as play areas and all marked sport pitches owned or maintained by the Council. The Director confirmed that more authorised officers would be required to enforce the PSPO and would be an area for further consideration following the consultation. He added that should the PSPO be implemented, each of the Council's parks would be given due consideration as to the areas covered by the PSPO as well as the number and location of signs in respect of the designated play areas and sports pitches. It was anticipated that this process would take some time.
- 5.13 A Member requested that signs are placed in clear, prominent places and that they should be clearly marked to indicate that dogs are 'kept on a lead' rather than 'kept under control'. It was explained that in areas not owned or maintained by the Council, further discussions would be undertaken in order to establish whether patrols are required.
- 5.14 Members asked for clarification in respect of disabled residents, particularly those in a wheelchair, who claim they are unable to take responsibility for collecting and disposing of their dog faeces. It was clarified by the Legal Officer present that each case would be considered on its merit and dealt with on a case by case basis. It was confirmed that the proposed PSPO would not apply to those residents who use an assistance dog or *'to a person who has some other disability such that he/she cannot reasonably be expected to remove faeces'*.
- 5.15 Scrutiny was informed that currently it is an offence not to clean up after your dog and failure to do so can result in a fixed penalty of £75 but the Council consultation process includes the proposal to increase the fixed penalty to £100, the maximum permitted under legislation. Some Members considered that the permitted maximum amount of £100 for a fixed penalty too lenient.
- 5.16 Scrutiny felt that the introduction of compulsory dog microchipping would prevent many of the problems faced due to irresponsible dog ownership and dog fouling. Several Members emphasised that this is not an exercise against responsible dog owners, who are in the majority, but simply targeted at those irresponsible dog owners.
- 5.17 In response to a query, the Director confirmed that the revenue from the fixed penalties would contribute to the cost of additional dog bins and new signage and added that the sole intention of the consultation is to target

- dog fouling and dog control across the County Borough not to raise additional revenue.
- 5.18 Members suggested that additional complimentary dog bags are made available for members of the public should the PSPO be introduced (the Director of Highways & Streetcare Services confirmed this has been arranged). Scrutiny also commended the evident availability of dog bins throughout the County Borough and failed to understand why some residents still leave their dog bags in inappropriate places. The Director confirmed that he would inform Scrutiny of the cost for each dog bin following the meeting.
- 5.19 A Member suggested that schools should be involved with the consultation as many children are responsible for walking the family dog. Scrutiny was advised that people of all ages have been considered as part of the consultation process such as the Young Persons and 50+ forums.
- 5.21 In conclusion Scrutiny praised the proposal to introduce the Public Spaces Protection Order and **RESOLVED** that the comments made this day be incorporated in to the Council's formal consultation process.

## 6. Stakeholder Responses

6.1 Responses were received from the following organisations;

- Caerphilly County Borough Council
- Merthyr Tydfil CBC
- South Wales Police
- RSPCA Cymru
- Vale of Glamorgan Council
- Pontypridd Town Council
- The Kennel Club
- Powys Community Safety Partnership

6.2 The responses from the above organisations are found in Appendix 1.

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## Appendices

1. Stakeholder Responses.

**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 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.

PROPOSED ORDER

## **Caerphilly CBC**

Dear Paul,

**Re: Rhondda Cynon Taf County Borough Council (Dog Control)  
Public Spaces Protection Order 2017  
Anti-Social Behaviour, Crime and Policing Act 2014**

Thank you for your letter dated 22nd February 2017 to our Interim Chief Executive regarding the above which has been passed to me for a reply. We have no specific comments to offer on your proposed Order the application of which is entirely within your county borough. However, as you may be aware, we too are progressing similar proposals. I have attached for your information a recent report on this matter to our Cabinet and the Minutes. You will note that our Cabinet resolved not to implement the proposed restriction excluding dogs from all council owned marked sports/playing pitches at this time.

Yours sincerely,  
**Rob Hartshorn**  
**Head of Public Protection**

## **Merthyr Tydfil CBC**

Dear Mr, Mee,

**Re: RCT (Dog Control) PSPO 2017 consultation as required by the  
Anti-Social Behaviour, Crime and Policing Act 2014**

Thank you for your letter dated the 22nd February 2017 addressed to Gareth Chapman, Chief Executive Merthyr Tydfil CBC in relation to the above consultation. I have been requested to respond on Mr. Chapman's behalf. Having consulted internally with our Legal section and our Team Leader Community Safety this authority has no issues with the proposed PSPO.

Yours faithfully,  
**Steve Peters**  
**Head of Public Protection and Housing**

## South Wales Police

(see separate document)

## RSPCA Cymru

# Consultation Response

FROM THE RSPCA IN WALES

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## Consultation response: Rhondda Cynon Taf Council Proposed Public Spaces Protection Orders March 2017

RSPCA Cymru is responding to Rhondda Cynon Taf Council's consultation on the proposed Public Space Protection Orders (PSPOs) in the areas that are relevant to our work.

### 1. The prohibition of dog fouling in all public places:

RSPCA Cymru understands that dog fouling is a major issue for towns and cities across Wales. Therefore, in order to increase responsible dog ownership and improve the relationship between dog owners and the wider community, the RSPCA agrees that it should be an offence for an owner not to clean up their dog's faeces. Including this requirement in the order can, RSPCA Cymru believes, adequately tackle the majority of issues that this PSPO intends to resolve and would therefore suggest removing the proposals to exclude dogs from marked sports pitches and cemeteries until this order has had time to be implemented and the effects on reducing dog faeces known.

### 2. A requirement that dogs are kept on leads in playgrounds and cemeteries owned/maintained by the Council:

#### Playgrounds:

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.

#### Cemeteries:

Due to the comfort and support that owners can receive from their dog, RSPCA Cymru welcomes the proposal to allow dogs in cemeteries as long as they are on a lead. This will help prevent owners who otherwise may have had no choice but to leave their dog tied up outside the cemetery which is stressful to the dog. Furthermore, some may have also left their dog in their car which would have placed them at risk of causing unnecessary suffering and potentially being charged with an offence under the Animal Welfare Act 2006.

### 3. A requirement to carry bags, or other suitable means, for the disposal of dog faeces:

As with the first requirement for dog owners to pick up their dog's faeces, RSPCA Cymru believes that this will help to improve responsible dog ownership.

### 4. A requirement allowing authorised officers to give a direction that a dog be put and kept on a lead if necessary:

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. Where required, the officer should be able to signpost the owner to someone appropriate for further advice regarding their dog's behaviour.

#### 5. A prohibition excluding dogs from all schools and marked sports pitches owned/maintained by the Council:

As stated above RSPCA Cymru understands the value to the local community of local authorities ensuring sections of an open space may be dog-free, such as a children's play areas or a purpose built multi-use games area. 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.

Excluding dog owners from sports playing pitches, we believe, is also contrary to the Defra guidance on issuing a PSPO<sup>1</sup>, which states that as it is enforced against an area, and not a specific individual, that it should be used carefully. It must also meet the three conditions of a dog's behaviour including that it affects the quality of life of people in the area, is persistent and is justified in imposing the restriction on the whole public<sup>2</sup>. Although sport pitches may be used regularly throughout the spring, summer and early autumn months, their use tends to decrease during winter. However, it is a dog owner's responsibility to ensure that their dog is walked all year round so they receive regular and appropriate exercise under Section 9 of the Animal Welfare Act 2006<sup>3</sup>.

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. The Society encourages all local authorities to promote responsible dog ownership through enforcing compulsory microchipping and signposting residents to approved training, proper care, and neutering. In this case, RSPCA Cymru would like to see proper enforcement, using the other powers contained within this PSPO, to target and tackle individuals contributing to the dog fouling in these areas and to encourage better dog ownership of offenders, rather than tarring all dog owners with the same brush. RSPCA Cymru would like to see the effect of the orders requiring dog owners to remove dog faeces and have the means to clear after their dogs on the amount of dog faeces before this order is put in place.

#### Additional information:

Many dogs enjoy interacting and playing with other people and animals, and it is important that they are able to express normal behaviour off the lead. Being walked off the lead and being able to meet, play and interact with new animals and people are important aspects of ensuring the welfare needs of dogs are met and that they are safe within a community. The ability to meet, play and interact appropriately and adequately is particularly important for puppies to ensure they develop into well adjusted happy individuals. Where this is not allowed, or done incorrectly, problems can occur which include fear and aggression. RSPCA Cymru does recognise that not all dogs will be well-socialised and may find other animals or people threatening and where this is known then they should be encouraged to seek advice about their dog's behaviour and apply measures to ensure their dog doesn't pose concern to the community e.g remain on a lead but this should be done on a risk-based approach. It is therefore imperative that local authorities use PSPOs sparingly and in a manner that is proportionate to the problem, in accordance with guidance and not as a blanket power that punishes the responsible majority in an effort to tackle problems created by an irresponsible few.

RSPCA Cymru was tasked by the Welsh Government to publish a Review of Responsible Dog Ownership in Wales. The report took verbal and written evidence from a range of stakeholders including animal welfare charities, elected representatives and public sector organisations and was

submitted to the Government in March 2016. The full report can be found at [www.politicalanimal.wales/responsible-dog-ownership](http://www.politicalanimal.wales/responsible-dog-ownership).

## **Vale of Glamorgan Council**

(see separate document)

## **Pontypridd Town Council**

(see separate document)

## **The Kennel Club**

### **Kennel Club Response to Rhondda Cynon Taf Council Public Spaces Protection Order Consultation**

Submitted on 17<sup>th</sup> March by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities the Kennel Club runs a dog owners group KC Dog with approximately 5,000 members, which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle we would like to highlight the importance for all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

### **Response to proposed measures Dog fouling**

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog 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. We welcome council's policy of providing free poo bags and new bins across the borough.

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

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.

Furthermore it is perfectly plausible that these proposals in certain circumstances would perversely incentivise dog walkers not to pick up after their dog. Should a dog walker on witnessing their dog fouling realise they are down to their final one or two poo bags (or other receptacle), they will be forced into a decision of whether to use the bag and risk being caught without means to pick up, or risk not picking up in order to retain a "means to pick up" should they be stopped later on their walk. It is perfectly reasonable to assume that a proportion of dog walkers would choose the second option if they thought this was the least likely route to being caught. Especially if the penalty for not picking up was the same as not having means to pick up. Local authorities may wish to consider introducing a clause which provides an exemption for dog walkers who have run out of bags, but can prove that they were in possession of and made use of bags (or other suitable receptacle) during their walk. 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.

We are also concerned how easily local authorities could enforce this law when trying to define whether or not dog owners have 'a means' of picking up after the dogs, without risking the expense of legal challenge. In the absence of poo bags owners trying to flout the law could theoretically point to any number of items on their person that they intend to use, so we think that the most effective spot checks you can carry out are those that catch offenders in the act of not picking up, rather than second guessing behaviours on the basis of what they are or are not carrying with them.

Alternatively, to avoid a fine an irresponsible owner could simply tie one bag to his or her dog's lead or collar but never actually use it.

Recently Cornwall council considered introducing a 'means to pick up' order but subsequently decided against it as they deemed it to be disproportionate and concluded that the requirement would be 'toothless', as it would be highly unlikely to be enforceable in a magistrates court. Please see the attached Cornwall Council report for more details.

If the Council proceeds to introduce such a measure it is essential it provides greater clarity to dog walkers on how to comply with the Order. The Consultation document refers to dog walkers requiring a 'sufficient' number of dog poo bags to be compliant with the Order. We do not believe it is appropriate to incorporate this level of subjectivity into a PSPO requirement.

### **Dog access**

The Kennel Club does not normally oppose dog exclusion or dog on lead orders in 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. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog. With regard to the excluding dogs from schools would encourage the council to

introduce measures to allow for charities who take dogs into schools (with consent of head teachers) to help educate pupils such as Bark and Read (<http://www.thekennelclub.org.uk/barkandread>).

The Kennel Club can support reasonable “dogs on lead” orders, which can - when used in a proportionate and evidenced-based way – include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

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 ‘in use’, restrictions would be more appropriate than an outright ban. We are aware in many areas, dog walkers do allow their dogs to exercise on playing fields when they are not in use. If of course they are in use we understand the safety reasons behind restrictions.

The council should be aware that dog owners are required, under the Animal Welfare Act 2006, to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance a “dogs exclusion” order for a beach is unlikely to be necessary in mid-winter.

We welcome the inclusion of the “dog on lead by direction” provision, which should allow a more targeted approach to tackle the individuals who allow their dogs to run out of control.

We would also recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can also help those people whose dogs run out of control due to them not having the ability to train a good recall.

### **Assistance dogs**

We strongly welcome the exemptions put in places for users of registered assistance dogs.

### **Appropriate signage**

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

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

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

With relation to dog access restrictions such as a “Dogs Exclusion Order”, on-site signage should make clear where such restrictions start and finish. This can often be achieved by

signs that on one side say, for example, “You are entering [type of area]” and “You are leaving [type of area]” on the reverse of the sign.  
While all dog walkers should be aware of their requirement to pick up after their dog, signage should be erected for the PSPO to be compliant with the legislation.  
With specific regard to the proposed “means to clear up measure” this type of law will be unfamiliar to dog walkers and prominent signage explaining the exact requirements expected of dog walkers, not all of whom will be local residents, should be erected in any area where the measure is to be enacted.

## **Powys Community Safety Partnership**

Dear Mr. Mee,

I write on behalf of Powys County Council in relation to the consultation by Rhondda Cynon Taff County Borough (Dog Control) Public Spaces Order.

Powys welcomes this initiative and will be interested in progress.

Regards

Fay



Fay Smith

Powys Community Safety Partnership

First Floor, The Gwalia, Ithon Road, Llandrindod Wells, Powys. LD1 6AA

Tel: 01597 827315



# CYNGOR TREF PONTYPRIDD TOWN COUNCIL

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16<sup>th</sup> March 2017

Mr Paul Mee  
Service Director  
Department of Public Health and Protection  
Ty Elai  
Dinas Isaf  
Williamstown  
Tonypany  
CF40 1NY

Your Reference: PJM/SW  
My Reference: RALS-PSPO2017

Dear Mr Mee

**Re Rhondda Cynon Taf County Borough Council (Dog Control)  
Public Spaces Protection Order 2017  
Anti-social Behaviour, Crime and Policing Act 2014**

Thank you for your letter dated 22<sup>nd</sup> February 2017 detailing the proposed requirements and prohibitions and of the draft PSPO.

The members of Pontypridd Town Council have considered in detail the proposals and wish me to convey to you that they fully endorse this initiative.

There are a number of related issues which the Town Council would ask that you consider in relation to this proposed PSPO. These are as follows:

Would additional dog bins be required, particularly in the Pontypridd Town area?

Have the specific problems that may be encountered by the elderly and those with limited mobility been considered in relation to the requirements and prohibitions of the orders?

Is there to be a publicity and or education programme related to this proposed PSPO?

How is it intended that this proposed order will be monitored and enforced by the authority?

We would be most grateful if you could keep us informed regarding the progress of this proposed public spaces protection order and once again wish to confirm that the Town Council fully support this venture.

Yours Sincerely,

Rachel Smith  
Chief Executive  
Pontypridd Town Council

Date/Dyddiad 6<sup>th</sup> March 2017  
Ask for/Gofynnwch am Miles Punter  
Telephone/Rhif ffôn 02920 673 101  
Fax/Ffacs  
e-mail/e-bost Visibleservices@valeofglamorgan.gov.uk  
Your Ref/Eich Cyf PJM/SW

The Vale of Glamorgan Council  
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Cyngor Bro Morgannwg  
Yr Alpau, Gwenfô CF5 6AA  
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www.bromorgannwg.gov.uk  
My Ref/ Fy Nyhyf DEHS/MEP/jh



Mr P. Mee  
Service Director, Public Health & Protection  
Rhondda Cynon Taf Council  
Ty Elai  
Dinas Isaf East  
Williamstown  
Tonypandy  
CF40 1NY



Dear Mr Mee

**Rhondda Cynon Taf County Borough Council (Dog Control)  
Public Spaces Protection Order 2017  
Anti-social Behaviour, Crime and Policing Act 2014**

I refer to your letter of 22<sup>nd</sup> February 2017 addressed to the Managing Director concerning the above matter, to which I have been asked to respond direct.

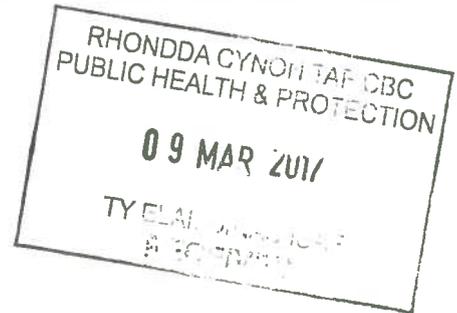
I would thank you for the opportunity to comment on your Public Spaces Protection Order proposals and advise that the Vale of Glamorgan Council has no issue with the requirements and / or prohibitions proposed.

On a personal note I believe that your proposals are laudable and any attempts to address irresponsible dog ownership should only be supported. I wish you every success with your process and look forward to hearing of the introduction of this Order later this year.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Miles Punter'.

**Miles Punter  
Director of Environment and Housing Services  
Cyfarwyddwr Gwasanaethau'r Amgylchedd a Thai**



Our reference: CC/PV/JP/MK/14483  
External Telephone Number: 01656 869200  
Internal Extension Number: 20200

Your ref: PJM/SW

Paul Mee  
Public Health and Protection  
Ty Elai  
Dinas Isaf East  
Williamstown  
Tonypandy  
CF40 1NY

7<sup>th</sup> March 2017

Dear *Paul*

**Rhondda Cynon Taf County Borough Council (Dog Control) Public Spaces Protection  
Order 2017**  
**Anti-social behaviour, Crime and Policing Act 2014**

Thank you for your letter dated 21<sup>st</sup> February regarding the proposed Public Spaces Protection Order (PSPO) to introduce new dog controls.

I write to confirm that South Wales Police fully supports the proposals, with no objections.

Yours sincerely

Peter Vaughan QPM  
Chief Constable

**HEDDLU DE CYMRU**  
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**SOUTH WALES POLICE**  
South Wales Police Headquarters, Cowbridge Road, Bridgend CF31 3SU  
In an emergency always dial 999, for non-emergencies dial 101  
Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)