

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

28TH SEPTEMBER 2017

PUBLIC SPACES PROTECTION ORDER (DOG CONTROLS – ABERDARE PUBLIC PARK)

REPORT OF SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION, IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR R LEWIS

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

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to inform Members of the outcomes of the public consultation exercise and seek authority to make a Public Spaces Protection Order ('PSPO') to introduce a requirement that dogs be kept on a lead at all times in Aberdare Public Park, 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 public support for the introduction of a Public Spaces Protection Order to introduce a requirement that dogs be kept on a lead at all times in Aberdare Public Park.
- 2.2 Considers the responses to the public consultation and determine whether any amendments are required to the proposed requirement as detailed in Appendix 2 to the report.
- 2.3 Subject to 2.2 above, makes a Public Spaces Protection Order to commence on 1st October 2017 for the control of dogs in Aberdare Public Park 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, to produce the final Public Spaces Protection Order relating to Dog Controls in Aberdare Public Park and ensure its publication on the Council's website.
- 2.5 Subject to 2.3 above, set the fixed penalty notice for failure to comply with the requirement of the Public Spaces Protection Order at £100.

3. REASONS FOR RECOMMENDATIONS

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

4. BACKGROUND

- 4.1 On 22nd June 2017, Cabinet determined to make a PSPO for the control of dogs in Rhondda Cynon Taf. This PSPO will introduce a number of prohibitions and requirements from 1st October 2017, namely:
- (i) The prohibition of Dog Fouling in all Public Places within Rhondda Cynon Taf;
 - (ii) A requirement for a person in charge of a dog to keep that dog on a lead at all times in Cemeteries owned and/or maintained by the Council;
 - (iii) A requirement for a person in charge of a dog at all times to carry bags or other suitable means for the disposal of dog faeces;
 - (iv) A requirement for a person in charge of a dog to follow a direction given by an Authorised Officer, if they deem reasonably necessary, that a dog be put and kept on a lead in a Public Place within Rhondda Cynon Taf for such period and/or in such circumstances as directed by the Authorised Officer; and
 - (v) A prohibition excluding dogs from all Schools, Playgrounds and Marked Sports Pitches owned and/or maintained by the Council.
- 4.2 The Council is aware that in relation to Aberdare Public Park, there is an existing byelaw dating from 1866 that includes a provision that “a dog shall be led with a string while in the park”. This has had the effect that many in the local community have become accustomed to and expect dogs to be kept on a lead at all times in Aberdare Public Park. This requirement does not apply in other public parks across Rhondda Cynon Taf.
- 4.3 An existing byelaw that prohibits, by the creation of an offence, an activity regulated by a PSPO is of no effect in relation to the restricted area during the currency of the PSPO, which takes precedence. Therefore, the requirement of the 1866 byelaw that “dogs be led with a string while in the park” will be of no effect for the duration of the approved PSPO.
- 4.4 Any person offending against the 1866 byelaw shall be liable to a penalty not exceeding £2. The provisions of the 1866 byelaw do not provide a meaningful deterrent and are effectively unenforceable; however, many users of Aberdare Public Park expect dogs to be kept on a lead within the park and

have expressed concern that this requirement will be of no effect once the PSPO comes into force. The Council may however consider making a further PSPO that would introduce a further requirement that dogs be kept on a lead at all times while in Aberdare Park.

- 4.5 The penalty for committing an offence of failing to comply with a PSPO without reasonable excuse is a maximum fine of level 3 on the standard scale (currently £1,000). Alternatively, the opportunity to pay a fixed penalty notice (FPN) up to a maximum of £100 may be offered in place of prosecution.
- 4.6 The Council may make a PSPO, provided that the statutory criteria set out in the Act are met and that the proposed restrictions are proportionate, having regard to the legitimate aim of preserving the quality of life for people accessing and using the land in question.
- 4.7 This report presents the results of the public consultation and seeks Cabinet approval to make a PSPO to introduce a requirement that dogs are kept on a lead at all times in Aberdare Public Park, 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 included an online survey, an event in Aberdare Park on 16th August 2017, letters to stakeholders and promotion via social media. The consultation ran from 14th August to 11th September 2017.
- 5.2 The key findings arising from the consultation are as follows:
- 82.5% of all respondents stated that they agreed with the proposal that dogs should be kept on a lead in Aberdare Park.
 - Of those respondents who were dog owners, 77.3% agreed with the proposal that dogs should be kept on a lead in Aberdare Park.
 - 52.5% of respondents suggested that the fixed penalty notice for failing to comply with the requirement should be set at £100.
- 5.3 There is clearly public support for the introduction of a requirement that dogs be kept on a lead in Aberdare Park. The Council has also received a petition with in excess of 1000 signatures expressing concern at the removal of the existing requirement that dogs be kept on leads in the park.
- 5.4 In addition to the online consultation and engagement event, other stakeholders were notified of the intention to make a PSPO and invited to respond to the consultation.
- 5.5 Responses were received from the following organisations:
- The Dogs Trust

- The Kennel Club

5.6 The response from the Dogs Trust appeared to relate to the PSPO approved on 22nd June 2017, however their comments were supportive of the proposed PSPO requirements and prohibitions. The Kennel Club response did not make any objection to the proposed PSPO but did highlight considerations around dog access, equality and signage. Both organisations highlighted the requirements of the Animal Welfare Act 2006 that require dog owners to provide for the welfare needs of their animals, including exercise each day and without restrictions.

5.7 Given the overwhelming public support for the proposed PSPO and the supportive responses from stakeholders, the Council can confidently proceed with the necessary arrangements to make the PSPO, subject to any amendments that Members may wish to consider following the consultation.

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 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.

6.4 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.

6.5 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 enforcement of the additional requirement under this PSPO would have no additional financial implications to those highlighted in the previous report to Cabinet on 22nd June 2017 and can be covered from within the resources approved by Cabinet at that time.

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 The Council, having fulfilled these obligations under the Act is therefore able to proceed to making the PSPO should it wish to do so.

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 requirement that dogs are kept on a lead at all times in Aberdare Public Park. This is consistent with an existing byelaw from 1866 and current practice in the park. This requirement would apply to Aberdare Public Park specifically but will be in addition and complimentary to other reasonable and proportionate dog controls to be introduced from the 1st October 2017 that will also apply in the park. The proposals have been subject to a public consultation which has confirmed that there is public support for a PSPO to introduce this additional requirement.

10.2 Cabinet is now asked to consider the responses to the public consultation and make a PSPO introducing the proposed requirement 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, to produce the final PSPO relating to Dog Controls in Aberdare Park 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

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28th SEPTEMBER 2017

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RHYS LEWIS**

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

Background Papers

- a) Public Spaces Protection Order (Dog Controls – Aberdare Public Park) – Record of Delegated Officer Decision of the Service Director Public Health & Protection: 2nd August 2017
- b) Public Spaces Protection Order (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 Rhys Lewis: 22nd June 2017
- c) Public Spaces Protection Order (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: 9th February 2017
- d) Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 12
- e) Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: statutory guidance for frontline professionals. Home Office: July 2014

Officers to contact:

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



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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

Public Spaces Protection Order/ Dog Fouling
Consultation – Aberdare Public Park

September 2017

1. Introduction

- 1.1 This report outlines the results of the Council's consultation on a proposal to make a Public Spaces Protection Order (PSPO) that would require dogs to be kept on a lead at all times in Aberdare Public Park.
- 1.2 The consultation ran partly alongside a Rhondda Cynon Taf wide awareness raising campaign regarding the new dog control order that is being introduced on the 1st October, 2017.

2. Methodology

- 2.1 The consultation ran from the 14th August to the 11th September, 2017.
- 2.2 The aim of the consultation was to gather the views of residents and other relevant bodies and interested parties on the proposal to introduce a Public Spaces Protection Order for Aberdare Park.
- 2.3 The following methods were used to consult with stakeholders;
- An online survey
 - An event in Aberdare Park – 16th August
 - Survey on tablets at the above event
 - Letter/Email to key stakeholders.
 - Promotion via social media

3. Survey Results

- 3.1 **82.5%** of all respondents stated that they agree with the proposal that dogs should be kept on a lead in Aberdare Park.

Counts Analysis % Respondents	Total			
		Yes	No	Don't know
Q1) Do you agree with the following proposal; Dogs are kept on a lead at all times whilst in Aberdare Park?	361	298 82.5%	60 16.6%	3 0.8%

3.2 Of those respondents who were dog owners, 77.3% agreed with the proposal that dogs should be kept on a lead at all times in Aberdare Park, compared with 96.6% of those who were not dog owners

Counts Analysis % Respondents	Total	Q1). Do you agree with the following proposal; Dogs are kept on a lead at all times whilst in Aberdare Park?		
		Yes	No	Don't know
Base	355	292	60	3
Q4). Are you a dog owner?				
Yes	260	201 77.3%	56 21.5%	3 1.2%
No	89	86 96.6%	3 3.4%	- -
Prefer not to say	6	5 83.3%	1 16.7%	- -

3.3 Respondents were asked at what level any fixed penalty notice should be set for those people who do not keep their dog on a lead in the park. The majority suggested the penalty should be **£100 (52.5%)**.

Counts Analysis % Respondents	
Base	297
£25	42 14.1%
£50	63 21.2%
£75	36 12.1%
£100	156 52.5%

3.4 Respondents were given the opportunity to make any further comments, these included;

Those in agreement with the proposal;

- Safety aspect when dogs are off a lead (safety of children and others is compromised)
- Some people are nervous around dogs
- Happy with current rules & regulations (existing by-law) in the park (if it's not broken don't fix it)
- Dogs are animals that can be un-predictable / easy loss of control
- Need more awareness / campaign work on reporting / catching irresponsible owners
- Park used by all (elderly, children, dogs, runners etc)
- When on a lead you can see where the mess is to pick it up
- Clear signage will be needed in the park.

Those in disagreement;

- Dogs on leads rule should depend on nature of dog / behaviour of dog
- Penalisation (unfair to responsible owners)
- Access issues (not everyone can get to other places to exercise their dogs)
- Dogs need to exercise and run

Other;

- A number of people suggested that there should be a designated area for dogs to roam free and exercise within existing areas of the park, fencing off if necessary.
- Fines could have a trigger system / offence system / warning system
- detrimental effect on the cafe if some owners have to go elsewhere to exercise dogs

4. Respondent Profile

4.1 Dog Owners

Counts Analysis %	
Base	356
Yes	261 73.3%
No	89 25.0%
Prefer not to say	6 1.7%

4.2 Age

Counts Analysis %	
Base	357
Under 16	2 0.6%
16-24	23 6.4%
25-34	46 12.9%
35-44	63 17.6%
45-54	109 30.5%
55-64	61 17.1%
65-74	39 10.9%
75+	14 3.9%

5. Stakeholder Responses

5.1 Responses were received from the following organisations;

- The Kennel Club
- Dogs Trust

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

Appendix 1 - Stakeholder Responses

(see attached)



DogsTrust

Environmental Health (PSPOs)
Rhondda Cynon Taf County Borough Council
The Pavilions,
Cambrian Park,
Tonypanydy
CF40 2XX

Friday, 11 August 2017

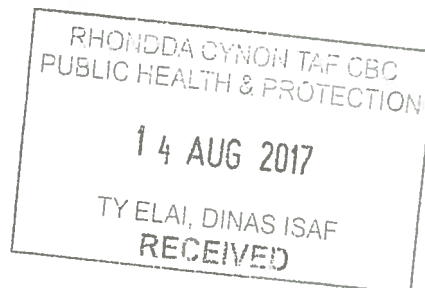
To whom it may concern,

We have recently been contacted by a member of the public alerting us to a petition being brought to Rhondda Cynon Taf Council's attention regarding Aberdare Park, calling to reverse the proposed PSPO. The member of public was very concerned that there would be no where left in the Rhondda Cynon Taff area where they could walk their dog off lead.

Unfortunately, Dogs Trust was not made aware of this consultation during the time it was hosted so we were unable to respond with our comments.

From what I can gather though, the council will be bringing in the following orders:

- *A requirement for a person in charge of a dog to keep that dog on a lead at all times in cemeteries owned and/or maintained by the Council.*
- *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.*
- *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.*
- *A prohibition excluding dogs from all schools, play areas and marked sports pitches owned and/or maintained by the Council.*



Dogs Trust
Clarissa Baldwin House
17 Wakley Street
London EC1V 7RQ

T 020 7837 0006
F 020 7833 2701
www.dogstrust.org.uk

Patron: Her Majesty The Queen
Registered Charity Numbers: 227523 & 5C037843



Dogs Trust supports these orders as it does not appear that any unnecessary bans are being brought into place that effect a dog's welfare. Below are some more detailed thoughts of ours on PSPOs.

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

4. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

Dogs Trust

Clarissa Baldwin House
17 Wakley Street
London EC1V 7RQ

T 020 7837 0006

F 020 7833 2701

www.dogstrust.org.uk

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5. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

We believe that the vast majority of dog owners are responsible, and that the vast majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

We work with Councils across the UK in a variety of ways to help them to promote Responsible Dog Ownership. Please do not hesitate to contact me at campaigns@dogstrust.org.uk should you wish to discuss this matter. You can also contact our Welsh Campaigns Manager, Rachel Burr, who will be able to help you with any enquiries about Responsible Dog Ownership that you may have for your area at rachel.burr@dogstrust.org.uk

We would also be very grateful if you could inform us of the outcome of the subsequent decisions made in relation to the PSPO and the petition.

Best wishes,

Jessica Hutton
Campaigns Assistant



THE KENNEL CLUB

Making a difference for dogs

Kennel Club Response to Rhondda Cynon Taf County Borough Council Public Spaces Protection Order Consultation

Submitted on 11th September 2017 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: 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 access

The Kennel Club does not normally oppose 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.

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

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.

The Government provided clear instructions to local authorities that they must provide restriction free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for

PSPOs stating 'local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions'.

A common unintended consequence of restrictions is displacement onto other pieces of land, resulting in new conflict being created. It can be difficult to predict the effects of displacement, and so the council should consider whether alternative sites for dog walkers are suitable and can support an increase in the number of dog walkers using them.

To be compliant with the Public Sector Equality Duty we submit the council should consider the accessibility of restriction free alternatives for those with reduced mobility (including but not limited to those with a disability or elderly persons for instance). Alongside considering any direct impact as a result of the PSPO upon those with protected characteristics.

Equality considerations

When introducing a dog control PSPO local authorities should consider the potential negative impacts on vulnerable groups and their requirements under the Equality Act 2010. The most obvious potential adverse impact is upon those who rely on assistance dogs and registered blind people, who may either be unable to comply with conditions contained within the Order, or the effect of the Order would be to exclude them from accessing public spaces. Appropriate exemptions from dog fouling and dog exclusion Orders should be included in PSPOs, for registered blind people and those who rely on assistance dogs.

Assistance Dogs UK currently have eight member organisations which can be viewed here - <http://www.assistedogs.org.uk/>. However, the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations, and may indeed change during the currency of the PSPO. It also does not incorporate owner trained assistance dogs. We would therefore encourage the Council to allow some flexibility when considering whether a disabled person's dog is acting as an assistance dog.

If the local authority is introducing dog on lead restrictions, consideration should be made of the accessibility of alternative restriction free exercise areas for those with limited mobility, be that due to disability, age etc.

Appropriate signage

It is important to note that in relation to PSPOs 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 on Leads 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.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL (DOG CONTROL – ABERDARE PUBLIC PARK) PUBLIC SPACES PROTECTION ORDER 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 – Aberdare Public Park) Public Spaces Protection Order 2017' (the 'Order').
2. This Order comes into force on xxxxxx 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 condition within Rhondda Cynon Taf:
 - (i) A requirement for a person in charge of a dog to keep that dog on a lead at all times in Aberdare Public Park.
4. For the purposes of this Order:
 - 4.1 'a person in charge of a dog' means a person who habitually has a dog in his/her possession at any time unless at that time some other person is in charge of the dog.
 - 4.2 'Aberdare Public Park' means all land within the boundary of Aberdare Public Park as detailed in Schedule 1.
 - 4.3 'Authorised Officer' means a constable or a person authorised by the Council for the purposes of enforcing this Order.
5. It is an offence for a person, without reasonable excuse, to engage in activity, which they are prohibited from doing by effect of this Order or fail to comply with a requirement to which a person is subject by effect of this Order.
6. The Council is satisfied that the conditions set out in Section 59 of the Act have been satisfied and, that it is in all the circumstances expedient and reasonable to make this Order for the purpose of prohibiting the above activities and introducing the stated requirements. The effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, such as to make them unreasonable, and justifies the restrictions imposed by this Order.

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.

SCHEDULE 1 – ABERDARE PUBLIC PARK