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Date: 30th August 2017

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach on Wednesday, 6th September, 2017 at 2.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
3 Cabinet held on 19th July 2017.	

1 - 6

A greener place Man gwyrddach



To receive and consider the following reports on which executive decisions are required: -

- | | | |
|---|---|---------|
| 4 | Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017. | 7 - 36 |
| 5 | Works to Facilitate the Disposal of the Pontllanfraith House Site. | 37 - 40 |
| 6 | Write-Off of Debts Over £20,000 - NNDR Arrears for Ltd Companies. | 41 - 44 |
| 7 | To receive and consider the following item which in the opinion of the Proper Officer is an exempt item taking into account consideration of the public interest test and that the press and public should be excluded from this part of the meeting. The public interest test is attached. | 45 - 46 |
| 8 | Write-Off of Debts Over £20,000 - NNDR Arrears. | 47 - 50 |

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner

And Appropriate Officers.



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 19TH JULY 2017 AT 2.00 P.M.

PRESENT

Councillor D.V. Poole – Chair

Councillors:

C.J. Cuss (Social Care and Well Being), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), P.A. Marsden (Education and Achievement), L. Phipps (Homes and Places) and Mrs E. Stenner (Environment and Public Protection).

Together with:

C. Burns (Interim Chief Executive), C. Harry (Corporate Director – Communities) and N. Scammell (Acting Director of Corporate Services and S151 Officer).

Also in Attendance:

R. Hartshorn (Head of Public Protection), S. Couzens (Chief Housing Officer), G. Jenkins (Assistant Director – Children's Services), C. Forbes-Thompson (Interim Head of Democratic Services), A. Dallimore (Team Leader - Urban Renewal & Conservation) and C. Evans (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs B.A. Jones (Finance, Performance and Governance), S. Morgan (Economy, Infrastructure and Sustainability) and D. Street (Corporate Director – Social Services).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the beginning or during the course of the meeting.

3. CABINET – 5TH JULY 2017

RESOLVED that the minutes of the meeting held on 5th July 2017 (minute nos. 1 - 8) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. CORPORATE RISK MONITORING

The report provided Cabinet with an update on the Corporate Risk Register in accordance with the Council's Risk Management Strategy.

The Corporate Risk Register update sought the views and approval of Cabinet prior to its presentation to Audit Committee on 13th September 2017.

The report outlined Members critical role played in evaluating the council's risk management arrangements and in particular understanding how the Council identifies, manages and, where possible, mitigates/ removes risk. Risk Management is crucial to the effective delivery of council services.

Under the Council's Risk Management Strategy, Corporate Management Team (CMT) monitor the Council's Corporate Risks and Audit Committee have the role of reviewing and challenging the risk register and resultant action plans for the council's key strategic and corporate risks. The role of Cabinet has been formalised and moving forward Cabinet will receive six monthly progress reports on the Corporate Risk Register. The Risk Register has been received after the review by CMT on 22nd June 2017 and the changes made summarised in the table below.

Cabinet noted that the Corporate Risk Register is a 'living document' and changes at every review as new risks are introduced, existing risks are closed or their RAG (Red, Amber Green) assessment is updated. Members noted that some of the risks identified within the Corporate Risk Register include Medium Term Financial Planning, School Attainment, Sustainability of Service Provision via Grant Funding, Secondary School Rationalisation, Wales Housing Quality Standard (WHQS) Programme, Waste Management Service Continuity and Target Achievement, Fragility of the Social Care Market, Local Climate Impacts Profile, Exit from the EU, Local Development Plan, Local Government Reform, Cardiff Capital Region City Deal and Asset Management.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report the Corporate Risk Register be endorsed and referred to the Audit Committee for consideration.

5. REQUEST FOR ADDITIONAL RESOURCES IN RESPONSE TO INCREASED DEMAND WITHIN CHILDREN'S SERVICES

The report provided Cabinet with contextual information to explain the increase in workload pressures across Children's Services Locality Teams, the Fostering Team and the Legal Team and sought Cabinet approval for the use of service reserves to fund additional posts on a time limited basis.

The report outlined the current workload pressures, explained the pressures relating to Public Law Outline (PLO) and provided the evidence to support the proposal to recruit the following additional staff to support Children's Services and Legal Services:

- 2 Qualified Social Workers – Locality Teams
- 2 Qualified Social Workers – Fostering Team
- 1 Grade 5 Administrator – Legal Team

Members sought assurance that the additional staff requirement would be sufficient to meet the increasing demands on the service and whether Officers were confident that the posts could be filled. Officers outlined that this is unclear at present, there is a hope that the demand will reach a plateau, however, a number of other Local Authorities are in a similar position. It was noted that Caerphilly CBC has a good reputation, both for Service provision and within the Court System, therefore, Officers are confident that positions would be filled.

Following consideration and discussion, it was moved and seconded that the recommendations contained in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report the information therein be noted and the use of Service Reserves to fund the additional posts for an initial 12 month period from date of appointment at a maximum cost of £205,917 be approved.

6. REVIEW OF HOUSING SERVICE CHARGES

The report, which was presented to Caerphilly Homes Task Group (The Task Group) on 6th July 2017 and Policy and Resources Scrutiny Committee on 19th July 2017, sought the views of The Task Group and the Scrutiny Committee on the review of how service charges are collected within Sheltered Housing and the need to review service charges for General Needs accommodation, which was unanimously supported.

The Housing (Wales) Act 2014 imposed a new duty for local authorities to comply with standards for housing quality, rents and service charges. Local Authorities are required to review the way in which charges for services are claimed to ensure that tenants are only charged for services that they receive. Detailed guidance has not been provided but it is required that service charges fairly reflect costs incurred and be transparent with a detailed breakdown provided to tenants so they can see what they are paying for.

The Authority currently recovers its costs for services it provides to tenants in sheltered housing schemes by smoothing the cost of these services between all tenants within all of the schemes. This is contrary to Welsh Government Policy. It is proposed that, in future, the Authority recovers from tenants the actual cost of providing services in their individual scheme, based on the calculated cost of providing the services in the previous financial year.

Cabinet noted the queries raised by the Task Group in relation to impact on tenants and the support available, affordability and communication methods to keep tenants informed and were satisfied with the assurances provided by Officers.

Following consideration and discussion, it was moved and seconded that the recommendation contained in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report:-

- (i) the proposal to charge tenants of sheltered housing schemes the actual costs of providing them with services per scheme be approved;
- (ii) the proposal to introduce transitional arrangements for two years, prior to a review, and to cap service charges in line with the rent policy during the transitional period be approved.

7. VISIT WALES ERDF PROJECT – THE MONMOUTHSHIRE AND BRECON CANAL ADVENTURE TRIANGLE UPDATE

The report provided Cabinet with details of progress made since January 2016 in respect of the European Regional Development Fund (ERDF) capital infrastructure proposal – The “Monmouthshire and Brecon Canal Adventure Triangle”, which has been developed as a regionally prioritised destination management project and led by Visit Wales.

The proposal was first considered and endorsed by Cabinet on the 20th January 2016. However, the passage of time and ongoing discussions with Welsh Government (WG), Welsh European Funding Office (WEFO) and project partners Torfaen CBC and Visit Wales has highlighted the need to revise and refocus the scope of the Authority’s original project proposals and to revisit the Council’s match funding allocation to the project.

Visit Wales is leading on a regional project proposal for ERDF funding, entitled “Tourism Attractor Destinations”, which aims to “...deliver a series of regionally prioritised strategic tourism infrastructure projects that will help raise the quality and perception of destinations in Wales and encourage business investment and employment growth within the tourism sector in the region”.

The Destination Management Group (a regional group with representation from each of the SE Wales Local Authorities) has identified the Monmouthshire and Brecon Canal as one of the regional priority destinations. During the last 2 years officers from Caerphilly CBC and Torfaen CBC have collaborated to develop a suitable project proposal with Torfaen CBC acting as the lead partner. This proposal was considered and approved by Cabinet on 20th January 2016. ERDF approval has been awarded to Visit Wales for the umbrella regional operation. By working collaboratively with Visit Wales and Torfaen CBC, a joint project with total costs of approximately £4.56m overall has been developed, with the Caerphilly area elements totalling circa £2.026m.

The overall aims and objectives of the collaborative project remain as set out in the January 2016 Cabinet report, i.e. to enhance the tourism/leisure offer of Cwmcarn within the region and implement infrastructure improvements to the Canal. However, the scope of projects that that the Council will now seek to implement via the overall programme has changed and the Council’s match funding proposals need to be reviewed and reconfirmed. Revised project proposals for the CCBC and TCBC elements were submitted to Visit Wales by the 5th May deadline and the CCBC element requires Cabinet approval before the project is formally approved by WEFO, particularly the revised scope and updated match funding requirement of the project. The report outlined the current funding position, including changes to anticipated capital funding availability that has been confirmed since May 2017.

In addition to submitting a detailed Business Plan to Visit Wales for the collaborative “Monmouthshire & Brecon Canal Adventure Triangle” project by the early May deadline, WG’s Regeneration Panel, comprising WG officers with technical, financial and regeneration expertise, will assess the project (date of which remains to be confirmed) to determine the request for award of Welsh Government Targeted Match Funding (TMF).

The updated financial implications, as outlined within the report included the anticipated funding contributions from ERDF, Welsh Government TMF and Caerphilly County Borough Council, including recent changes to the Council’s core capital allocations, which have been highlighted and confirmed during the consultation process.

Following consideration and discussion, it was moved and seconded that the recommendation contained in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report:-

- (i) £542k of the Engineering budget indicatively allocated for canal improvement

works in 2017/18, 2018/19 and 2019/20 be approved as match funding for this proposal, on the basis that it is used to carry out canal restoration work that compliments the wider Visit Wales Project submission;

- (ii) the use of £60k of Countryside Services core Capital budget as match funding through the course of the 3 year project be approved;
- (iii) the indicative list of Revised Projects, as outlined in appendix 1 to the report be noted and approved;
- (iv) in the event of further changes to the scope of the revised projects referred to in Appendix 1, these be considered under the Scheme of Delegation by the relevant Head of Service or Director in consultation with the relevant Cabinet Member.

8. CABINET FORWARD WORK PROGRAMME

The report sought the endorsement of the Cabinet Forward Work Programme for the Period July 2017 to December 2017.

The report outlined the proposed Forward Work Programme of future Cabinet reports.

The Cabinet Forward Work Programme is updated on a regular basis to reflect any amendments that are made to it since it was first agreed on 22nd January 2014.

Cabinet were asked to note that, since the publication of the report, there were some changes and additional items added to the Programme, which were highlighted by the presenting Officer.

Following consideration and discussion, it was moved and seconded that the recommendation contained in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report and in noting the amendments to the Forward Work Programme as outlined in the meeting, the Forward Work Programme be approved.

The meeting closed at 2.45 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 6th September 2017.

CHAIR

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CABINET - 6TH SEPTEMBER 2017

SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2017

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the outcome of the Council's statutory consultation on proposals included in a draft Public Spaces Protection Order to tackle irresponsible dog ownership and dog fouling.
- 1.2 To seek a Cabinet decision to bring into being the draft Public Spaces Protection Order attached at Appendix 4 to the report under, the Anti-social Behaviour, Crime and Policing Act 2014 providing additional legal powers for dog control.

2. SUMMARY

- 2.1 Public Spaces Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and can be used to regulate activities in particular public places to ensure that the law-abiding majority can use and enjoy public spaces safe from anti social behaviour. As such, they provide an opportunity to enhance the Council's enforcement ability to respond to public opinion regarding dog fouling. This opinion manifested itself through complaints to officers and Members, the Council's Household Survey, and concerns raised through the Your Voice process.
- 2.2 At its meeting on 18th January 2017 Cabinet endorsed proposals to undertake statutory consultation on various provisions which may be included in a Public Spaces Protection Order relating to Dog Control, some of which replace existing powers whilst others are new.
- 2.3 The overview of the consultation responses (summary report) is attached at Appendix 2. The statutory public consultation provided support for action against irresponsible dog owners even though the majority of responses received were from dog owners themselves. There was strong agreement with all of the proposals

3. LINKS TO STRATEGY

- 3.1 The prevention of dog fouling contributes to the Healthier and Greener themes of the single integrated plan, Caerphilly Delivers. Responsible dog ownership supports the Council's Medium Term Priority to promote the benefits of an active and healthy lifestyle.
- 3.2 The report seeks to highlight that the promotion and encouragement of good dog ownership can contribute to the following well-being goals within the Well-being of Future Generations Act (Wales) 2015:

- A sustainable Wales
- A prosperous Wales
- A more equal Wales
- A Wales of more cohesive communities
- A globally responsible Wales

4. THE REPORT

- 4.1 Public Spaces Protection Orders were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and can be used to regulate activities in particular public places, to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Whilst the Act allows local authorities to regulate activities in public places, the legislation specifies certain requirements which must be considered prior to making an Order.
- 4.2 A local authority may make a Public Spaces Protection Order if it is satisfied on reasonable grounds that two conditions are met. The first condition is that 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 it is likely that the activities will be carried on in a public place and that they will have such an effect. The second condition is that the effect or likely effect is likely to be of a persistent or continuing nature, is likely to be such as to make the activity unreasonable, and justifies the restriction imposed by the Order.
- 4.3 At its meeting on 18th January 2017 Cabinet endorsed recommendations to include the following restrictions in a draft order, and to commence the statutory order making process including consultation.
- Excluding dogs from all enclosed children's play and multi-use games areas
 - Requiring dogs to be kept on leads in enclosed memorial gardens
 - Requiring dog owners to remove dog faeces in public places
 - Requiring dog owners to carry an appropriate receptacle for dealing with the waste that their dogs produce (that is to always have the means to pick their dog faeces)
 - Requiring dog owners to put their dogs on a lead when directed to do so by an authorised officer on any public land where the dog is considered to be out of control or causing harm or distress to prevent a nuisance
- 4.4 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*. This includes the publication of the text of the proposed PSPO on the Council's Website, consultation with Gwent Police and other community representatives the Council considers appropriate to consult, together with notification to Community Councils across the County Borough.
- 4.5 The consultation was undertaken in accordance with the aforementioned requirements and was open to residents and stakeholders from 19th June to 24th July 2017 and was preceded by wide scale communication via the local press, the Council's website, and social media accounts.
- 4.5 The key consultation tool was a questionnaire (Appendix 1). This was made available bilingually to residents for online completion via the Council's Website and shared on social media. The survey was also provided in paper format at some key Council venues and paper and alternative formats were available on request.
- 4.6 Stakeholder groups were contacted directly via e-mail or in writing and invited to respond to the survey. Those contacted include the Kennel Club, Dogs Trust, RSPCA, Farmers Unions, Horse Society, Open Spaces Society, Ramblers, Parent Network, and Welsh Language groups, Voluntary Sector, Community Safety networks.

4.7 A total of 289 questionnaires were completed online. A number of additional written responses were received from individuals and stakeholders.

61% of those who responded were dog owners.

4.8 A summary of the consultation responses is included at Appendix 2. Set out below are the percentages for each proposal with recommendations in relation to the proposed content of the draft Order for Members' consideration.

4.9 **Excluding dogs from Children's Play Areas and Multi Use Games Areas**

The consultation covered all enclosed children's play areas and multi use games areas within the County Borough. 86% of survey respondents agreed with this proposal.

The Council currently excludes dogs from all enclosed children's play areas and multi use games areas (MUGAs) within the County Borough under existing Dog Control Orders and is proposing to continue within the proposed Order. A list of all the enclosed children's play areas /MUGAs are in Appendix 3.

Proposal

It is recommended that the Order is made to include the provision which makes it an offence to allow dogs into all enclosed children's play areas and multi-use games areas within the County Borough. It is considered that this is a proportionate response required to protect young children.

4.10 **Dogs on Leads in Enclosed Memorial Gardens**

The proposal to require that dogs are put on leads at all times in enclosed memorial gardens was supported by 92% of survey respondents. Responses emphasised the need for respect.

Proposal

It is recommended that the Order is made to include the provision requiring dogs to be put on leads at all times in enclosed memorial gardens in the County. This is considered a proportionate response. The memorial gardens included in this proposal are listed in Appendix 3.

4.11 **Dog Fouling**

Currently the issue of dog fouling is addressed through the Dogs (Fouling of Land) Act 1996, however the offence under this Act only covers certain designated land and therefore does not apply universally to all public land in the County Borough. PSPOs provide for a more wide ranging application of controls including dog fouling and may apply to all public places in the County Borough. This means a place to which the public or any section of the public have access on payment or otherwise as of right or by virtue of express or implied permission.

Under the Dogs (Fouling of Land) Act 1996 the fixed penalty is set at £75 reducing to £50 if paid within 7 days. Cabinet have previously resolved to set the fixed penalty for breaches of a Public Spaces Protection Order in Caerphilly at £100. Therefore should Cabinet approve the proposed Order the level of fixed penalty for dog fouling offences in the County will increase to £100 or a discounted amount of £75 if paid within 7 days.

97% of those who responded to the consultation agreed with the proposal to continue existing powers that makes it an offence for a person in charge of a dog to fail to clean up its faeces. It is clear that the failure to "pick up" after a dog has fouled is an important issue in the local environment generally, which has a detrimental effect on the quality of life.

Proposal

It is recommended that the Order is made to include the provision requiring people to clean up after their dogs on all public land in the county. This is considered to be a proportionate and balanced response to the dog fouling problems in the county.

4.12 Carrying an Appropriate Receptacle

The consultation resulted in 90% of respondents agreeing with the proposal to introduce a new offence that would require dog walkers to carry an appropriate receptacle for dealing with the waste that their dog or dogs produce.

Whilst there was general overall agreement, a number of respondents felt that this would be difficult to enforce and that more dog waste bins would be required or that bins would need to be emptied more regularly. It was also felt that this proposal would need to be part of an effective communication campaign to ensure responsible dog owners are reminded to carry a supply of appropriate receptacles with them.

Proposal

It is recommended that the Order is made to include the provision to require a person in charge of a dog to carry an appropriate receptacle for dealing with the waste that their dog or dogs produce, within the County Borough. This is proportionate response and will help improve responsible dog ownership.

4.13 Dogs on Leads by Direction

Of those who responded to the survey, 92% agreed with the proposal to make it an offence to fail to put a dog on a lead when directed to do so by an authorised officer where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance.

Proposal

Due to the consistent consultation response it is recommended that the Order is made to include a County-wide provision requiring dogs to be placed on a lead when directed to do so by an authorised officer of no more than two metres in length where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance. This is a fair, proportionate and balanced means of dealing with dog control issues as they occur, whilst allowing people to exercise their dogs off a lead provided that they are under control and not causing a nuisance.

4.14 Marked Sports Pitches and Playing Fields

In addition to the decision to proceed with the above proposals Cabinet also resolved at its meeting on 18th January 2017 that the proposal to exclude dogs from all council owned marked sports/playing pitches on a seasonal basis should be omitted at this stage of the process, and be reviewed after a period of 12 months and once the impact of the above provisions can be established, and consideration be given to implementing an awareness raising campaign, in relation to sports pitches and responsible dog ownership. If there is evidence that the proposals contained in the draft Order are not adequate to deal with the current problems, the Council will be able to make further PSPOs at that stage to address any continuing problems.

4.15 Publicity

Should Cabinet approve the making of the Public Spaces Protection Order it will be published on the Council's website and appropriate notices placed on or adjacent to the areas affected by the Order (where appropriate) to let members of the public know the Order has been made and its effect. Appropriate signage where dogs are excluded or required to be placed on a

lead will be positioned on all children's play areas and multi use games areas, and memorial gardens outline in Appendix 3.

4.16 Conclusion

Having regard to the requirements of Section 59 of the Act set out in paragraph 4.2 above and the responses to the consultation outlined above it is clear that the conditions required to make a Public Spaces Protection Order have been satisfied in relation to all of the provisions contained in the draft Order attached at Appendix 4.

Based on the information set out above Members are asked to endorse the making of the Public Spaces Protection Order as set out in Appendix 4 to this report. It is considered that the provisions of the draft order are a fair, balanced and proportionate response to the current problems and addresses the views of the consultees. They are necessary and proportionate in terms of the controls that they impose, whilst recognising the right of dog owners and their needs for areas where they can exercise their dogs off lead for animal welfare reasons.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It will make public bodies listed in the Act think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. It will have a significant impact on all Council policies and priorities and has the potential to significantly affect the way we plan and deliver services and how we engage with individuals and communities within the Caerphilly county borough.

5.2 This proposals contribute to the Well-being Goals as set out in Links to Strategy above, as follows:

- Resilient. The proposals will contribute to a cleaner, safer environment by removing the likelihood of dog faeces and associated environmental issues
- Healthier. The proposals are intended to minimise the public to the exposure to risk including the prevention of spread of disease from dog faeces and preventing injury from dog bites or the fear of walking in areas where dogs are being exercised without due control by their owners. It would also allow person to exercise with or without their animals in a safer more controlled environment.
- More equal. The exemptions included will allow for all groups to be involved
- Cohesive communities – The consultation process has allowed all persons to be involved and will allow communities to be involved in making the proposals sustainable
- Vibrant culture and thriving Welsh language – The underlying objective is to enable people to participate safely in sport and recreation
- Globally responsible –The proposals are intended to improve the environment within parks and all areas within the county Borough

5.3 The proposals are consistent with the five ways of working as defined within the sustainable development principle:

- Involvement - The proposals have been out to consultation where the views of the public have been sort on all the proposals. The proposals are intended to improve the area and make it safer for individuals to go about their daily routines without added risk. The involvement of the public as a whole from the outset will create ownership and participation to allow the orders to have a meaningful outcome. This would include actively encouraging individuals to report issues and incidents.
- Collaboration - Outside stakeholders including the RSPCA, Kennel Club have also been involved and their views have been included in the considerations to allow the proposals to be subsequently sustainable
- Long Term - The proposals look to reduce the public to both short term and long term risks

relating to dog ownership and will seek to improve the living environment.

- Integration. The proposals contribute to health objectives through disease prevention. They also contribute to resilient objectives by promoting and ensure a clean safe environment.
- Prevention - The proposals are intended to minimise the public to the exposure to risk including the prevention of spread of disease from dog faeces and preventing injury from dog bites or the fear of walking in areas where dogs are being exercised without due control by their owners etc.

6. EQUALITIES IMPLICATIONS

- 6.1 Dog Control Order and dog fouling legislation provides exemptions in particular cases for registered blind people, deaf people and for other members of the public with disabilities who make use of trained assistance dogs.
- 6.2 An equalities impact assessment has been undertaken and used to inform the proposals resulting from the consultation and as a result the draft Order at Appendix 4 to this report makes provisions for exemptions.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of producing and erecting new signage in the designated areas is estimated to be £20,000 which can be met from service reserves.

8. PERSONNEL IMPLICATIONS

- 8.1 There has been a temporary increase in workload to conduct the consultation and to develop the PSPOs. If the draft Order is endorsed the additional restrictions imposed may increase the potential for staff to be placed in confrontational situations. It would be important to ensure that the necessary training and procedures are in place so that staff are able to assist with the expectations in relation to enforcement of these proposals. Increased workload for follow up enforcement requirement when orders are introduced.

9. CONSULTATIONS

- 9.1 This report has been sent to the consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 It is recommended that Cabinet:-

1. Note the outcome of the statutory consultation relating to the provisions contained in the draft Public Spaces Protection Order.
2. Agree to make the proposed Public Spaces Protection Order as set out in Appendix 4 to this report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To protect public health whilst providing suitable amenity for dog owners and to ensure that the council is compliant with its statutory obligations.

12. STATUTORY POWER

- 12.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

Author: Lyndon Ross, Senior Environmental Health Officer
Consultees: Councillor Eluned Stenner, Cabinet Member for Environment & public Protection
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Ceri Edwards, Environmental Health Manager
Gail Williams, Interim Head of Legal Services & Monitoring Officer
Lisa Lane, Solicitor
Anwen Rees, Policy Officer (Equalities & Welsh Language)
Mike Eedy, Finance Manager
Shaun Watkins, Human Resources Manager
Mark S. Williams, Head of Community & Leisure Services
Mike Headington, Acting Parks Manager
Liz Sharma, Research Officer

Background Papers:

Report to Health Social Care and Wellbeing Scrutiny Committee 12th December 2016– Outcome of Informal Consultation on the Provisions to be Included in a Public Spaces Protection Order Relating to Dog Control

Report to Cabinet – 18th January 2017 Outcome of Informal Consultation on the Provisions to be Included in a Public Spaces Protection Order Relating to Dog Control

Full [redacted] Consultation Responses

The Anti-Social Behaviour, Crime and Policing Act 2014. Statutory guidance for frontline professionals. Home Office.

2014 DEFRA Practitioners guide on dealing with irresponsible dog ownership.
DEFRA

Appendices:

Appendix 1 of 4 Consultation Questionnaire
Appendix 2 of 4 Consultation Responses Summary Report
Appendix 3 of 4 List of enclosed children's playing areas, multi use games areas, enclosed memorial gardens
Appendix 4 of 4 Proposed Public Spaces Protection Order (which includes the list of enclosed playing areas, multi use games areas and enclosed memorial gardens as referred to in Appendix 3 above).

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Have your say on plans to introduce a public space protection order relating to dog control

Formal Consultation 2017

Caerphilly county borough council has a number of existing powers which makes it an offence to allow a dog onto children's playgrounds and for a person in charge of a dog to fail to clean up its faeces. The Council is proposing to strengthen and extend these powers through introducing a Public Space Protection Order relating to dog control. Caerphilly county borough council wants to know your views on the proposed changes to dog control powers, particularly on the introduction of new dog control offences.

It is recommended that you read the background information before completing this questionnaire.

I am competing this survey as

- As resident of the County Borough
- As a business person
- As an elected member
- Representing a charity or organisation
- Other

Please give details below

Are you a dog owner?

- Yes
- No

What is your postcode?

Dog Fouling

The Council is proposing the continuation of the existing powers that make it an offence if a person in charge of a dog fails to clean up its faeces. Do you agree or disagree with this proposal? (Please tick one)

- Agree
- Disagree

Please give reasons for your answer in the box below:

The Council is proposing to introduce a new offence which would require dog walkers to carry an appropriate receptacle for dealing with the waste that their dog/s produce. This would require dog walkers to carry a poop bag or other means for clearing up after their pet at all times. Do you agree or disagree with this proposal? (please tick one)

- Agree
- Disagree

Please give reasons for your answer in the box below:

Dog Exclusion in Specified Areas

The council is proposing to continue existing power that make it an offence to allow dogs onto all enclosed children's play areas and multi use games areas within the County Borough. Do you agree or disagree with this proposal? (tick one)

Agree

Disagree

Please give reasons for your answer in the box below:

Dogs on Leads

The Council is proposing a new offence for failing to put a dog on a lead when directed to do so by an authorised officer where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance. Do you agree or disagree with this proposal?

Agree

Disagree

Please give reasons for your answer in the box below:

The Council is proposing the introduction of an new requirement for putting dogs on leads at all times in enclosed memorial gardens? Do you agree or disagree with this proposal? (please tick one)

Agree

Disagree

Please give reasons for your answer in the box below:

If you feel that any of these proposals will affect you as an individual because of any of the following (age, disability, ethnic origin, gender, gender reassignment, marital status, religious belief or non-belief, use of Welsh language, BSL or other languages, nationality or responsibility for any dependents) please give details below.

Please use the box below to make any additional comments you may have relating to the above proposals:

Thank you for taking the time to complete the survey. Please return your survey to any of the main council offices or your nearest library, leisure centre or customer first centre. If you prefer, you can also return the survey in the post to Public Engagement Officer, Communications Unit, Caerphilly County Borough Council, Penallta House, Tredomen park, Ystrad Mynach, CF82 7PG

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Public Space Protection Order (Dog Control) Consultation

Summary Report

Introduction

Public Space Protection Orders can be used to regulate activities in particular public places, to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The need for these proposals were identified following the council's Household Survey 2015, where over 40% of respondents felt that dog fouling was a major issue affecting the appearance of streets in neighbourhoods and town centres.

An informal consultation was initially carried out over a 3 month period from April 2016 and the draft order was amended to take on board the outcomes of the initial public consultation. As a result, the exclusion of dogs from council owned sports/playing pitches was removed from the revised draft order. Following on from this, stakeholders and local residents were invited to have their say as part of a formal consultation to introduce a Public Spaces Protection Order (PSPO) relating to dog control in Caerphilly county borough.

The revised draft order included the following proposals:

- Continuing to exclude dogs from all enclosed children's play areas within the county borough
- Require dogs to be kept on leads in enclosed memorial gardens situated in the county borough
- Require dog owners to remove dog faeces on any land. The replacement proposals will cover all public places in the county borough which is defined in the act as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by the virtue of express or implied permission
- Require dog walkers to carry an appropriate receptacle for dealing with the waste that dog dog(s) produce. This requirement aims to ensure that dog walkers always have the means (i.e. a receptacle) to pick up their dog's faeces
- Require dog owners to put their dogs on a lead when directed to do so by an authorised officer on any public land where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance

Method

The consultation was open to residents and stakeholders from 19th June to 24th July 2017.

The consultation period was preceded by wide scale communication via the local press and the Council's website, social media accounts and newsletter "Newslines". Communication continued through a variety of media throughout the consultation period with a view to raising awareness of the consultation and increasing the response rate.

The key consultation tool was a questionnaire (**Appendix 1**). This was made available bilingually to residents for online completion via the Council's Website and shared on social media. Paper and alternative formats were available on request. Stakeholder groups were contacted directly via e-mail or in writing and invited to respond to the survey. Those contacted include the Kennel Club, Dogs Trust, RSPCA, Farmers Unions, Horse Society,

Open Spaces Society, Ramblers, Countryside Alliance, Keep Wales Tidy, Town and Community Councils and the Caerphilly County Borough Viewpoint Panel.

Key Findings

A total of 289 questionnaires were completed online. A number of additional written responses were received from individuals and stakeholders (The Dogs Trust, Gelligaer Community Council, One Voice Wales, and the RSPCA).

Of those who responded to the survey, 94% identified themselves as residents. A small number of business people and those representing a charity or organisation (i.e. Keep Wales Tidy) plus those who visit the county borough also completed online the survey.

61% of those who responded were dog owners.

Dog Fouling

Ninety seven percent (97%) of those who responded to the survey agreed with the proposal to continue existing powers that makes it an offence for a person in charge of a dog to fail to clean up its faeces.

Carrying an Appropriate Receptacle

Ninety percent (90%) of those who responded agreed with the proposal to introduce a new offence which would require dog walkers to carry an appropriate receptacle for dealing with the waste that their dog/s produce. (This would require dog walkers to carry a poop bag or other means for clearing up after their pet at all times.)

Dog Exclusion in Children's Play Areas

The council is proposing to continue existing power that make it an offence to allow dogs onto all enclosed children's play areas and multi-use games areas within the County Borough. Eighty six percent (86%) of survey respondents agreed with this proposal.

As with the previous (informal) survey, of those who disagreed, there were a number of comments about ensuring enforcement of legislation and educating irresponsible dog owners.

Dogs on Leads

Of those who responded to the survey, 92% agreed with the proposal to make it an offence to fail to put a dog on a lead when directed to do so by an authorised officer where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance.

Memorial Gardens

The Council's proposal to make it a requirement that dogs are put on leads at all times in enclosed memorial gardens was supported by 92% of survey respondents.

Summary

There was strong agreement with all of the proposals put forward in this formal consultation. Concerns were raised over resources and the ability of the council to enforce these proposals.

The following additional written responses were received from organisations:

Dogs Trust

Dogs Trust has been made aware that Caerphilly County Borough Council is planning to introduce a series of PSPO's. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

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.

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 should you wish to discuss this matter.

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

Gelligaer Community Council

Indicated agreement with all proposals put forward.

Comments: We agree with it but how will it be enforced (carrying a receptacle)

We agree to the new proposals but enforcement must be in place

Darran Valley Community Council

Darran Valley Community Council welcome the order, and request additional wording be considered regarding the definition of 'public land.'

Rhymney Community Council

Rhymney Community Council welcome the order, and request that consideration be given to a change of wording to include 'short lead' not just lead. Council would also like the order to be extended to include the safeguarding of the 'safe routes to School' between the villages of Abertyswg and Pontlottyn and Rhymney Comprehensive (soon to be a Super School from early 2018). Council request that consideration be given to the prohibition of dog walking on these routes, in support of child safety, both from potential attack and / or from the waste dogs produce.

Rhymney Community Council meets next on 14th September 2017 and would welcome a response / update in advance of this date.

One Voice Wales

Thank you for sending us the letter about the proposed PSPO - Dog Control asking for feedback.

At the Area Committee meeting of community and town councils from RCT/Merthyr/Caerphilly on 13th July I asked community/town councils representing councils in the Caerphilly area for their observations and I am pleased to inform you that those present all supported and welcomed the proposal.

I am aware that those councils in attendance representing Gelligaer, Maesycwmmmer, Bedwas, Trethomas & Machen, Risca Town and Risca East are all likely to respond to the consultation as individual councils.

One Voice Wales

The Voice of Community and Town Councils in Wales

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APPENDIX 3 Multi Use Games Areas

Latitude	Longitude	Name
51.5945107	-3.2671414	Abertridwr Park MUGA
51.7415079	-3.25702768	Abertysswg MUGA
51.6856255	-3.23493751	Bargoed Park MUGA
51.6808959	-3.21944777	Britannia Angel Playground MUGA
51.6709691	-3.20726518	Cefn Fforest Welfare (Ty Isha Terrace) MUGA
52.5508124	-3.25981263	Cefn Hengoed Youth Centre MUGA
51.6933142	-3.22109819	Cwrt Coch Street Aberbargoed MUGA
51.7431826	-3.29571802	Fochriw MUGA
51.5965294	-3.16428772	Graig Y Rhacca MUGA
51.6684689	-3.22984349	Glanynant MUGA
51.7244664	-3.24712955	Grove Park New Tredegar MUGA
51.7028143	-3.20757739	King George Field Markham MUGA
51.6046813	-3.22986605	Llanbradach Park MUGA
51.6517341	-3.12506937	Llanfach MUGA
51.594275	-3.25702768	Machen MUGA
51.65337	-3.19430789	Manor Park Penllwyn MUGA
51.5783763	-3.22595183	Morgan Jones Park MUGA
51.5750934	-3.22603664	Owain Glyndwr MUGA
51.7562152	-3.27979167	Paddy's Pond MUGA
51.5864672	-3.24236486	Penyrheol Park MUGA
51.743452	-3.28016959	Pontlottyn MUGA
51.5811116	-3.2031932	Porset Park MUGA
51.6048628	-3.27521287	Senghenydd Park MUGA
51.7067908	-3.26209997	The Darren Public House Deri MUGA
51.6159244	-3.12276799	Waunfawr Park Cross Keys MUGA
51.6812294	-3.22971196	William Street Gilfach MUGA
51.6241232	-3.18690884	Ynysddu MUGA

Playgrounds

Latitude	Longitude	Name
51.5947733	-3.2677984	Abertridwr Park
51.7425805	-3.2601425	Abertysswg Village Green
51.5665426	-3.24224	Ashman Close Castle View Estate, Caerphilly
51.5669958	-3.1986796	Attlee Road Blackwood
51.5691548	-3.2443601	Badham Close, Castle View Estate, Caerphilly
51.6843204	-3.2401818	Bargoed P.E.P. (Park View)
51.6859422	-3.2347436	Bargoed Park
51.5730167	-3.2156345	Bartlett Street
51.6260942	-3.1876104	Bridge Street, Ynysddu
51.6804539	-3.2195805	Britannia Angel Playground
51.6136266	-3.1556985	Brynawel Wattsville Playground
51.7756861	-3.159835	Butetown Rhymney
51.6714518	-3.2066706	Cefn Fforest Welfare
51.6520761	-3.2342132	Cefn Hengoed Youth Centre
51.6502734	-3.2260552	Cefn Road Hengoed
51.5680728	-3.2454848	Clos Gwylne, Cwm Farm, Caerphilly
51.6749495	-3.1419292	Crumlin Park
51.6518917	-3.2423175	Cwm Calon Ystrad Mynach
51.6120366	-3.2247068	Cwm Las, Wingfield Works, Llanbradach
51.7154139	-3.2350252	Diamond Playground, White Rose Way, New Tredegar
51.5936651	-3.165687	Dickens Court Graig Y Rhacca
51.5950726	-3.2131194	Dol y Pandy, Bedwas
51.5800409	-3.1243944	Draethen Village
51.6156031	-3.1476171	Duffryn Terrace Wattsville
51.6663699	-3.2164115	Fairview Bottom Blackwood
51.6334397	-3.1265672	Feeder Row Cwmcarn
51.6141954	-3.097378	Fernlea Risca
51.5946102	-3.1454998	Ffwrwm Road Machen
51.6662516	-3.1578472	Fields Park Newbridge
51.63155	-3.2391463	Forge Mill Ystrad Mynach
51.6596768	-3.1653131	Fox Avenue Pentwynmawr
51.6625331	-3.1960236	Garfield Street Blackwood
51.7112632	-3.2651193	Glynderw Deri
51.5795433	-3.2355661	Grange Close Trecenydd
51.6838153	-3.1204547	Hafodyrynys Welfare
51.6686086	-3.2293845	Hanbury Street Pengam
51.5788705	-3.2060348	Hartshorn Court Lansbury Park
51.5803168	-3.2474504	Hendredenny School
51.6029324	-3.0785664	Herbert Avenue Pontymister
51.7539239	-3.275511	Hill Street Rhymney
51.720181	-3.211558	Hollybush Rugby Ground
51.6824322	-3.1463701	Kendon Hill Crumlin
51.6511535	-3.1395819	King George Field Abercarn
51.7024902	-3.2076122	King George Field Markham
51.6977808	-3.2161107	Lewis Street Aberbargoed

Latitude	Longitude	Name
51.6050247	-3.229702	Llanbradach Park
51.6516437	-3.1251249	Llanfach (Clytha Square)
51.6519558	-3.2889224	Llwyn Yr Eos Nelson
51.5941566	-3.1338813	Machen Welfare Playground, Bovil View, Machen
51.640938	-3.2219304	Maesycwmmmer Park
51.6793105	-3.2292116	Maesygraig Street Gilfach
51.7232088	-3.1889089	Manmoel Village
51.637176	-3.1335525	Marne Street Cwmcarn
51.5781942	-3.2253119	Morgan Jones Park, Caerphilly
51.6704772	-3.2398036	Mount Pleasant Cascade
51.6757094	-3.1796665	Oakdale Recreation Ground
51.6711415	-3.1877183	Oakdale Terrace Penmaen
51.6631614	-3.1483993	Panteg Terrace Newbridge
51.6412101	-3.2473581	Park Lane Tredomen
51.5739109	-3.2410123	Penrhos Park, Black Prince Road, Caerphilly
51.6558455	-3.2501886	Penybryn Penallta
51.69778	-3.1455425	Penyfan Close Trinant
51.6975501	-3.1947909	Penylan Road Argoed
51.5867378	-3.2422856	Penyrheol Park, Caerphilly
51.7230906	-3.2377825	Phillipstown Community Centre
51.6016125	-3.0871262	Pontymister Athletic Ground
51.581226	-3.2034416	Porset Park Caerphilly
51.7385664	-3.2960349	Rhodfa Ganol Fochriw
51.7617953	-3.2834271	Rhymney Park
51.612619	-3.1015139	Rifleman Street Risca
51.6079013	-3.1002444	Risca Park
51.5942068	-3.1379826	Riverglade Machen
51.6751235	-3.1462289	Royal Crescent Treowen
51.578818	-3.1721765	Rudry Village
51.6577627	-3.2183495	School Street Pengam (Fleur de Lys)
51.7241042	-3.2507536	School Street Tirphil
51.6050583	-3.2754205	Senghenydd Park
51.6729838	-3.2037033	Showfield, Blackwood
51.6579902	-3.1900345	Sir Harold Finch Park, Pontllanfraith
51.6178996	-3.1798999	Stanley Street Cwmfelinfach
51.644152	-3.2404149	Station Road Ystrad Mynach
51.7427047	-3.2802643	Sunny View Pontlottyn
51.6003514	-3.0776245	Tanybryn Pontymister
51.7129901	-3.2337867	Tennyson Terrace Brithdir
51.5927381	-3.1899593	The Bryn Trethomas
51.6519942	-3.2796578	The Wern Nelson
51.6647396	-3.1912524	Thorncombe Road Blackwood
51.6615247	-3.2292361	Tir y Berth Welfare
51.6616849	-3.2268115	Tir y Berth William Street
51.628345	-3.1280735	Twyncarn Road Pontywaun
51.5739109	-3.2410123	Ty Coch Rhymney

Latitude	Longitude	Name
51.611103	-3.089577	Ty Sign Open Space (Holly Road)
51.5838419	-3.2157213	Virginia Park
51.6608725	-3.2176088	Warne Street, Fleur De Lys
51.6178517	-3.1271343	Waunfawr Park Cross Keys
51.5921747	-3.1984907	Waunganol Park, Bedwas
51.674397	-3.1293333	Willow Court Panside
51.6646634	-3.1520231	Windsor Avenue Newbridge
51.6630798	-3.1891124	Woodfieldside Park
51.6140333	-3.280265	Woodland Terrace Senghenydd
51.6392566	-3.1895295	Wyllie Village (Glanhowy Road)
51.6931488	-3.221441	Yew Street Aberbargoed
51.6365055	-3.2364925	Ystrad Mynach Park

War Memorials

Easting	Northing	Latitude	Longitude	Name	Location
315524	200091	51.6931895	-3.2235689	Aberbargoed War Memorial Gates	Commercial Street, Aberbargoed
321607	194950	51.6478585	-3.1344261	Abercarn War Memorial	High Street, Abercarn
313064	205583	51.7421807	-3.2605225	Abertysswg War Memorial	Walter Street, Abertysswg
315056	202164	51.7117531	-3.2308438	Brithdir Cenotaph	Saint Paul's Memorial Gardens, Harcourt Terrace, Brithdir
322057	193497	51.6348594	-3.1275993	Cwmcarn War Memorial	Memorial Park, Ivor Street, Cwmcarn
318565	191720	51.6183899	-3.1776304	Cwmfelinfach War Memorial	Glanynant Gardens, Cwmfelinfach
315264	198488	51.6787407	-3.2269398	Garden of Peace War Memorial & Clock	Commercial Street, Gilfach
315509	197077	51.666094	-3.2230555	Pengam & Fleur-de-Lys War Memorial	Saint David's Road, Pengam
311583	206281	51.7482229	-3.2821442	Pontlottyn War Memorial	Chapel Street, Pontlottyn
323971	190270	51.6061123	-3.099248	Pontymister War Memorial	Memorial Gardens, Commercial Street, Pontymister
311401	207528	51.7594032	-3.285098	Rhymney War Memorial	High Street, Rhymney
323402	191402	51.6162113	-3.1077104	Risca War Memorial	Saint Mary Street, Risca
314007	203216	51.7210495	-3.2462827	Tirphil War Memorial Clock	Station Row, Tirphil

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Caerphilly County Borough Council
Anti-Social Behaviour, Crime & Policing Act 2014

Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017

Caerphilly County Borough Council (“the Council”) hereby makes the following Public Spaces Protection Order (“the Order”) in exercise of its powers under Sections 59 of the Anti-Social Behaviour, Crime & Policing Act 2014 (“the Act”) and all other enabling powers hereby makes the following Order:

1. This Order may be cited as the Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017:
2. This Order will come into force on 2017 and will remain in force for a period of three years unless varied or discharged by further orders of the Council:
3. **Introduction**
 - (a) The failure to “pick up” after a dog has fouled on publicly accessible land is an important issue in the local environment generally, the effect of which is detrimental on the quality of life of the community at large. It causes risks to health and defaces the land and is therefore important that the community recognise the need to clean up after their dogs and to ensure that they have with them at all times an appropriate receptacle to do so.
 - (b) When not properly supervised and kept under control dogs that are allowed off a lead in public areas may cause a nuisance and injury to members of the public and other animals.
 - (c) Dogs in children’s play areas can become aggressive if startled. They may also defecate in these areas, which may cause a health risk to the children using them.
 - (d) The Order is made because the Council is satisfied on reasonable grounds that the behaviour set out above has had and is likely to continue to have a detrimental effect on the quality of life of people within the County Borough. Furthermore that the effect is likely to be of a persistent or continuing nature and is or will be unreasonable and justifies the requirements set out in this Order which seeks to prevent or reduce the detrimental effects of the activities referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land.
4. **Definitions**
 - (a) “Authorised Person(s)” means a constable or a person authorised by the Council under Section 68 of the Act.
 - (b) “Appropriate Receptacle” means any bag, or receptacle which is designed for the purpose of holding dog faeces for disposal.
 - (c) “for the purpose of this Order a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

5. Restrictions and Requirements

- (a) The effect of the Order is to impose the restrictions and requirements as set out in Parts 1 to 5 below.

Part 1 – Dog Fouling

1. If a dog defecates at any time on land to which this Part of the Order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless he can show that:-
 - (a) They have a reasonable excuse for failing to do so; or
 - (b) The owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to him failing to do so;
2. This Part of the Order applies to all public places in the County Borough of Caerphilly.

For those purposes a “public place” means 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.
3. For the purpose of this Part of the Order:-
 - (a) Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (b) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Part 2 – Carry Appropriate Receptacle

1. If a person who is in charge of a dog at any time on land to which this part of the Order applies does not have or produce when requested by an Authorised Person, an Appropriate Receptacle for picking up dog faeces, that person shall be guilty of an offence unless:-
 - (a) they have reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
2. This part of the Order applies to all public places in the County Borough of Caerphilly.

For those purposes a “public place” means 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.

Part 3 – Dogs On leads In Enclosed Memorial Gardens

1. A person in charge of a dog shall be guilty of an offence if at any time that person takes a dog onto or permits a dog to enter and/or remain in any of the enclosed Memorial Gardens set out in Appendix 2 without being controlled by a lead of not more than two metres in length unless that person can show that:-
 - (a) They have reasonable excuse for failing to do so; or
 - (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to him failing to do so.
2. For these purposes, a “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.

Part 4 – Dogs On Leads By Direction

1. A person in charge of a dog will be guilty of an offence if at any time on land to which this part of the Order applies, they fail to comply with a direction given to them by an Authorised Officer to put and keep the dog on a lead of not more than two metres in length for such period and/or in such circumstances as directed by the Officer, unless that person can show that:-
 - (a) they have a reasonable excuse for failing to do so; or
 - (b) The owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him failing to do so.
2. For these purposes, as “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.
3. This part of the Order applies to all public places in the County Borough of Caerphilly.

For these purposes, a “public place” means 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.
4. For the purposes of this Part of the Order, an Authorised Person 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.

Part 5 – Dog Exclusions In Children’s Play Areas/Multi Use Games Areas –

1. A person in charge of a dog will be guilty of an offence if at any time he takes the dog on to, or permits the dog to enter or remain on, any of the enclosed children’s play areas/multi use games areas listed in Appendix 1 to this Order, unless that person can show that:-
 - (a) They have a reasonable excuse for doing so; or

- (b) The owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him doing so.

Exemptions

1. The provisions in **Parts 1 and 2** of this Order shall not apply to a person who:-
 - (a) Is registered as partially sighted or blind, in a register compiled under Section 29 of the National Assistance Act 1948; or
 - (b) 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; or
 - (c) Has a disability which affects his mobility, manual dexterity, physical co-ordination, or ability to live, carry or otherwise move everyday objects, such that the person cannot reasonably be expected to remove the faeces.
 - (d) Has some other disability, such that a person cannot reasonably be expected to remove the faeces.
2. The provisions in **Part 5** of this Order shall not apply to
 - (a) A dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

Other Matters

1. For the purpose of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
2. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this Order, the burden will be on that person to prove that they satisfy the requirements of the exemption being relied upon.

Offence

It is an offence for any person without reasonable excuse

- (a) To do anything that a person is prohibited from doing by this Order
Or
- (b) To fail to comply with a requirement to which a person is subject under this Order

Any person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

Fixed Penalties

An Authorised Person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence under this Order. A person will have 14 days to pay the fixed penalty of £100 or a discounted amount of £75 if paid within 7 days. Failure to pay the fixed penalty will result in prosecution.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits any of the areas affected by this Order. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this Order on two grounds: that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or that a requirement of the legislation was not complied with in relation to the Order.

Dated the _____ day of _____ 2017.

The Common Seal of
Caerphilly County Borough
Council was hereunto affixed
in the presence of:

Authorised Officer

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CABINET – 6TH SEPTEMBER 2017

SUBJECT: WORKS TO FACILITATE THE DISPOSAL OF PONTLLANFRAITH HOUSE SITE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek approval to the procurement of both the demolition of Ty Pontllanfraith House and the necessary site and other investigations to inform the disposal process and to ensure the necessary funds are made available to fund these costs.

2. SUMMARY

- 2.1 The site was marketed and three parties were invited for a formal interview. After further analysis of the bids a preferred purchaser was selected; discussions to refine the design are continuing.
- 2.2 The commercial element of the offer of purchase continues to be caveated and it is now clear that a net firm offer will not be established until a detailed ground investigation is completed. The buildings continue to incur cost and it is proposed that the Council directly procures both the demolition of the buildings, and the necessary site and other investigations to inform the disposal process.

3. LINKS TO STRATEGY

- 3.1 The contents of this report link to the following key strategic objectives:
- 3.2 The Council's Medium-Term Financial Plan (MTFP).
- 3.3 The proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
1. A prosperous Wales
 2. A Wales of cohesive communities

4. THE REPORT

- 4.1 Policy & Resources Scrutiny Committee, on 17th June 2014 endorsed the principle to begin a consultation to close Pontllanfraith House and Council, on 25th February 2015, approved the closure as part of the MTFP savings.
- 4.2 Marketing of the site for housing commenced in June 2015, with Expressions of Interest requested by 31st July 2015.

- 4.3 Supplementary Planning Guidance in the form of a Development Brief was approved by Council on 8th March 2016, and the development was advertised in the Estates Gazette the following month with a closing date for “best bids” of 1st July 2016.
- 4.4 None of the bids submitted were fully compliant with the Development Brief, and revised bids were invited. All parties were invited to meet with CCBC Planning Department prior to submitting a revised offer. Upon receipt of the revised offers there was a range of bids having varying degrees of compliance with the Development Brief.
- 4.5 Three parties were invited for a formal interview and after further analysis of the bids a preferred purchaser was selected on 25th January 2017; discussions to refine the design have continued, collaterally with drafting legal documentation, to facilitate entering into a contract conditional on a satisfactory detailed planning consent for residential development.
- 4.6 Discussions have continued with the preferred purchaser and whilst the development proposals have been suitably developed the commercial element of the offer continues to be heavily caveated. It is clear that these caveats will not be removed and the associated risk priced until a detailed ground investigation is completed. It is therefore proposed that the Council procures a detailed ground investigation and the preferred purchaser will then provide a firm net offer that reflects the findings. The resulting net offer may or may not then be acceptable.
- 4.7 It was previously envisaged that the site purchaser would manage the demolition of the buildings but as the completion of the sale is taking longer than envisaged, and the empty buildings continue to incur costs, it is now proposed that the Council directly procures the demolition of the buildings.
- 4.8 Whether the preferred purchaser or the Council procures the demolition and ground investigations is cost neutral as both elements were Council risk items in the procurement process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal does contribute to the Well-being Goals as set out in Links to Strategy above. However, the proposal is a relatively minor one, being the demolition of buildings and the carrying out of the necessary site and other investigations to inform the disposal process, so its consistency with the five ways of working set out in the sustainable development principle, as defined in the Act, is limited. The overarching proposal within which this sits (the redevelopment of a part brownfield site) looks to the **long term** so that we do not compromise the ability of future generations to meet their needs in that it enables the provision of some 100 dwellings. Implementation of the proposal **involves** a diversity of the population in the decisions that affect them by offering an opportunity for home ownership.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council’s Equalities Consultation and Monitoring Guidance. No potential for unlawful discrimination and/or low level or minor negative impact have been identified and, therefore, a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 The buildings are locked, alarmed, insured and are inspected weekly. Also a key holder has been nominated and is called out should there be an alarm activation. All of the foregoing incur cost and standing charges for utilities apply. These ongoing costs are estimated at circa £6,000 per annum, but Furthermore NNDR liability applies at the rate of £117,764 per annum. Both will cease on demolition.

- 7.1 Demolition of the Civic Centre is anticipated to be in the order of £550,000.
- 7.2 A geotechnical desk study will be around £500.
- 7.3 A ground investigation and interpretive report will be circa £25,000.
- 7.4 These costs total £575,500, which (with a 10% contingency) amounts to approximately £630,000.
- 7.5 It is proposed that these costs are funded from the capital earmarked reserve of £7.469m set aside by Council 22nd February 2017.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications arising out of this report.

9. CONSULTATIONS

- 9.1 There are no views expressed as a result of consultation that differ from the recommendation.

10. RECOMMENDATION

- 10.1 That approval is given to progress the demolition of the buildings, and the necessary site and other investigations utilising funding from the capital earmarked reserve. All works will be procured in line with the Authority's Standing orders for contracts".

11. REASON FOR THE RECOMMENDATION

- 11.1 To reduce the level of risk being carried by the Council in the disposal of Pontllanfraith House.

12. STATUTORY POWER

- 12.1 Local Government Acts 1972 and 2000.

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Councillor Mike Adams, Member for Pontllanfraith

Councillor Colin Gordon, Member for Pontllanfraith

Councillor Gez Kirby, Member for Pontllanfraith

Background Papers:

Policy and Resources Scrutiny Committee - 17th June 2014 - Pontllanfraith House

Council - 26th February 2015 - Budget Proposals 2015/16 and Medium Term Financial Strategy 2015/16

Council - 8th March 2016 - Proposed Supplementary Planning Guidance - Pontllanfraith House

Council - 22nd February 2017 - Budget Proposals 2017/18 and Medium Term Financial Strategy 2017/18



CABINET – 6TH SEPTEMBER 2017

SUBJECT: WRITE-OFF OF DEBTS OVER £20,000 – NNDR ARREARS FOR LTD COMPANIES

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 On 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000. Approval is sought to write-off two national non-domestic rate (NNDR), also known as business rate, debts where, in each case, the individual debt is greater than £20,000.

2. SUMMARY

- 2.1 This report gives details of an amount of business rate that the Authority is required to write off as a bad debt.

3. LINKS TO STRATEGY

- 3.1 To comply with Financial Regulations.
- 3.2 The writing-off of unrecoverable debts is an important element of prudent financial management. Effective financial management contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:-
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales

4. THE REPORT

- 4.1 Policy & Resources Scrutiny Committee receives half yearly reports on monies due to the Council which cannot be collected. Unpaid business rate is pursued through a magistrates' court liability order that empowers the Authority to instruct bailiffs.
- 4.2 Due to debtors absconding, declaring themselves insolvent through bankruptcy/liquidation or other proceedings, ceasing to trade, dying with no estate, and because of limited means there are inevitably circumstances when debts cannot be collected. After all legal means have

been exhausted a decision is made to write-off debts. Policy and Resources Scrutiny Committee receive a report every 6 months summarising the value of debts written off by the Authority. It should be noted that business rate is an unsecured debt in the event of bankruptcy/liquidation.

- 4.3 The first case involves New Mr Phone Ltd, a company that occupied 85 Cardiff Road Caerphilly. The unpaid rates of £26,944.26 are in respect of an occupied rate liability (reference no. 510313297) covering the period 14th June 2012 to 31st December 2014 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt, a voluntary payment plan was agreed and payments of £5,212.00 were collected. Subsequently, an enforcement agent was instructed to recover the debt but before any further sums could be recovered, the company was dissolved. The total liability (including £112.33 court costs) was £32,765.30, of which £5,933.37 has been collected, leaving an unpaid balance of £26,944.26. The company was dissolved on 21st July 2015 via voluntary 'strike off' according to Companies House records. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.
- 4.4 The second case involves ADS Express Freight LLP, a company that occupied Unit 2 Gelligaer Court, Hospital Road, Penpedairheol, Hengoed. The unpaid rates of £20,209.87 are in respect of an occupied rate liability (reference no. 510327616) covering the period 1st September 2013 until 31st March 2016 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt. No payments were received and subsequently an enforcement agent was instructed to recover the debt. The total liability (including £171.10 court costs) was £34,898.29, of which £14,859.52 has been collected, leaving an unpaid balance of £20,209.87. The company went into liquidation on 1st April 2016 and the Authority submitted a claim for the outstanding debt to insolvency practitioners. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.
- 4.5 In these cases the Authority has no further legal powers to recover the unpaid debts.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Effective financial management is a key element in ensuring that the Well-being Goals in the Well-being of Future Generations Act (Wales) 2015 are met. The process of writing-off unrecoverable debts ensures that financial liabilities are recognised as they occur and are not deferred as potential future liabilities.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan, therefore no Equalities Impact Assessment has been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications to the Authority as the Authority collects NNDR on behalf of Welsh Government.

8. PERSONNEL IMPLICATIONS

- 8.1 There are none.

9. CONSULTATIONS

9.1 There are no consultation responses which have not been reflected in this report.

10. RECOMMENDATIONS

10.1 It is recommended that Cabinet determine the debts detailed in paras. 4.3 and 4.4 be written-off on the grounds that they are irrecoverable.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To write-off bad debts due to the Authority where no further legal remedy exists.

12. STATUTORY POWER

12.1 Local Government Act 1972 and 2000.

Author: J. Carpenter, Council Tax & NNDR Manager

E-mail: carpewj@caerphilly.gov.uk Tel: 01443 863421

Consultees: Cllr Barbara Jones, Deputy Leader & Cabinet Member for Finance, Performance and Governance

Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer

Stephen Harris, Interim Head of Corporate Finance

Gail Williams, Interim Head of Legal Services & Monitoring Officer

Background Papers:

Contact Council Tax & NNDR Manager (ext 3421)

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CABINET – 6TH SEPTEMBER, 2017

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: WRITE OFF OF DEBTS OVER £20,000 – NNDR ARREARS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14).

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council recovers monies owed.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The Report contains detailed information about the financial affairs of third parties and disclosure of such information could breach their right to privacy of their financial business affairs.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken by them in relation to the recovery of monies owed. However disclosure of the information contained in the report could breach their right to privacy of their financial//business affairs.

The information is not affected by any other statutory provision which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

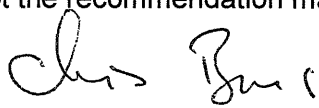
On the basis set out above I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Signed: 

Dated: 23rd August 2017

Post: **Interim Head of Legal Services/Monitoring Officer**

I accept/~~do not~~ accept the recommendation made above.

Signed: 

Proper Officer

Date: 23/8/17

Agenda Item 8

By virtue of paragraph(s) 14 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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