

# 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 19<sup>th</sup> June to 24<sup>th</sup> 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