



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 29TH OCTOBER 2019

SUBJECT: PUBLIC SPACES PROTECTION ORDER - DOG CONTROL ON SPORTS PITCHES

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update Scrutiny Committee regarding the issue of dog fouling on sports pitches and to seek Scrutiny Committee views on the amendment to the Public Spaces Protection Order (PSPO) to include the exclusion of dogs from marked sports pitches on a seasonal basis prior to presenting a draft Order to Cabinet for approval to commence a ten week consultation exercise with a range of stakeholders.

2. SUMMARY

- 2.1 Public Spaces Protection Orders 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, these Orders provide an opportunity to enhance the Council's enforcement ability to respond to public opinion regarding dog fouling.
- 2.2 In September 2017 Cabinet approved and adopted the Public Spaces Protection Order 2017; the Order includes the following restrictions:
- 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.
- 2.3 In addition to the decision to proceed with the above proposals Cabinet also resolved at an earlier meeting (held on the 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 that stage of the process, and be reviewed after a period of 12 months or once the impact of the above provisions had been established.
- 2.4 Consequently, the report presents a review of the current position regarding dog fouling since implementation of the Order including the results of an informal consultation undertaken with sports clubs across the county borough; (the results of which are detailed in the report below)

with 88% agreeing that dogs should be prohibited from marked sports pitches. An overview of the consultation responses (summary report) is attached at Appendix 1.

- 2.5 Environment and Sustainability Scrutiny Committee are asked to:
- consider the current position regarding dog fouling on sports pitches; and
 - provide views prior to presentation of a draft Order to Cabinet for a decision to conduct a formal public consultation exercise.

3. RECOMMENDATIONS

- 3.1 Members are requested to consider the report and recommend to Cabinet that a formal public consultation exercise is undertaken regarding the proposal to amend the Public Spaces Protection Order 2017 to include a provision to exclude dogs from marked sports/playing pitches on a seasonal basis.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To protect public health and well-being.

5. THE REPORT

- 5.1 Dog fouling is unsightly, unpleasant and can lead to serious illness in humans such as Toxocariasis; which can develop from direct contact with contaminated dog faeces and in some cases potentially lead to blindness. Particular concern is therefore raised in relation to children and other sports pitch users coming into contact with dog faeces.

- 5.2 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.

- 5.3 A local authority may make a Public Spaces Protection Order (PSPO) 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.

- 5.4 In September 2017 Cabinet approved and adopted the Public Spaces Protection Order 2017; the Order includes the following restrictions:

- 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.

- 5.5 In addition to the decision to proceed with the above proposals Cabinet also resolved at an earlier meeting held on the 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 that stage of the process, and be reviewed after a period of 12 months or once the impact of the

above provisions can be established. The Order came into force on 20th October 2017 and the requirement for dog owners to carry an appropriate receptacle for dealing with the waste that their dogs produce was the subject of an informal enforcement phase initially.

- 5.6 Since the introduction of the PSPO in October 2017 over 1527 complaints of dog fouling have been investigated. 31 Fixed Penalty Notices have been served for dog fouling and 58 have been served for failing to carry bags to clean up dog waste.
- 5.7 To further inform the review a consultation exercise recently carried out with 82 sports clubs in the borough yielded 24 responses. 33% of clubs responded that dog fouling on sports pitches had increased, 38% said it was the same, and 25% reported a decrease.
- 5.8 Out of the 24 clubs who responded 21 (88%) supported prohibiting dogs from marked sports pitches, 2 (8%) disagreed with the proposal and 1 (4%) did not know. A range of comments were provided by the respondents and are detailed with the survey summary attached as appendix 1. This is in contrast to the consultation undertaken in 2017 for the original PSPO, during which 54% of those who completed the survey agreed with the proposal to introduce a new requirement that makes it an offence to allow dogs onto all marked sports playing pitches owned by Caerphilly CBC. The proposal was supported by local sports clubs.
- 5.9 The council launched an environmental awareness campaign entitled 'Enough is Enough' to coincide with the introduction of the PSPO. Using an integrated approach, the campaign sought to clearly explain the various elements of the order and the possible consequences of non-compliance. A blend of digital (Facebook, Twitter, web, email, video content) and traditional (Newspaper, press, signage etc.) was used to communicate the changes, with pupils from Ystrad Mynach Primary School helping to launch the campaign with a clear message to irresponsible dog owners that 'Enough is Enough'.
- 5.10 The council has since continued to raise awareness of the order, in particular focussing on instances where individuals have been found to be in breach of it. This has helped reinforce the proactive stance that enforcement officers are taking in enforcing the PSPO, and has been well received by residents.
- 5.11 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. It is proposed that a consultation will be conducted via an on-line survey. Additionally, other stakeholder groups will be contacted directly and invited to respond to the survey. Such stakeholders will include the Kennel Club, Dogs Trust, RSPCA, sports clubs, Parent Network, Voluntary Sector, Community Safety Networks, Head Teachers for the attention of parents (not exhaustive).
- 5.12 Scrutiny Committee's views are sought on the proposal to amend the Public Spaces Protection Order (PSPO) to include the exclusion of dogs from marked sports pitches on a seasonal basis prior to presenting a draft Order to Cabinet for approval to commence a ten week consultation exercise with a range of stakeholders.

6. ASSUMPTIONS

- 6.1 There are no assumptions associated with this report, as it is a factual statement of enforcement activity.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 Enforcing public protection legislation is a statutory duty and this activity contributes to the Caerphilly Public Services Board's Wellbeing Plan, The Caerphilly We Want 2018 – 2023; and Objective 1 of the Council's Strategic Equality Plan 2016-2020.
- 7.2 The work also supports the following Corporate Well-being Objectives, identified within the Council's Corporate Plan 2018-23:
- WBO 5: Creating a county borough that supports a healthy lifestyle in accordance with the Sustainable Development Principle within the Well-being of Future Generations (Wales) Act 2015.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 The Wellbeing of Future Generation (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. Public Protection enforcement activity contributes to the following Well-being Goals within the Act:
- A resilient Wales
 - A prosperous Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
- 8.2 The Well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. In using the sustainable development principle it is incumbent that the authority considers the whole of the population it serves and considers the effect of its actions on future generations. The principle, also known as the five ways of working is assessed as below:

LONG TERM – we aim to sustain our enforcement programmes over the long term and whilst we will always prioritise high risk issues we will endeavour to address low, medium, and unrated risks to ensure that issues do not worsen over time.

INVOLVEMENT- we rely on information and intelligence to inform both our programmed and reactive activities. We seek feedback from those that we regulate and work to promote compliance through information and awareness raising. We undertook consultation on the Public Protection Enforcement Policy.

PREVENTION - Any measures that reduce exposure to dog fouling will promote and protect public health and safety, thereby preventing harm from occurring.

COLLABORATION – Public Protection services collaborate extensively with partner agencies including Gwent Police..

INTEGRATION – Public Protection enforcement activity makes a contribution to a number of the Well-being Goals within the Well-being of Future Generation (Wales) Act 2015.

9. EQUALITIES IMPLICATIONS

- 9.1 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. Consideration will need to be given to the application of these exemptions across the different proposals. An Equality Impact Assessment has been drafted and is attached at Appendix 2. The draft EIA will be developed further using information received through the consultation.

10. FINANCIAL IMPLICATIONS

- 10.1 Experience suggests that following public consultation, there is likely to be significant officer time in developing the proposals. Thereafter, there will be the cost of producing and erecting new signage in the designated areas, amounting to circa £10,000. This will be funded from the Environmental Health Revenue budget; during 2019-20.
- 10.2 The income that is generated by the imposition of fixed penalty notices or recovery of court costs is included in the revenue budget.

11. PERSONNEL IMPLICATIONS

- 11.1 The Personnel implications include the temporary increase in workload to conduct the consultation and to develop the amended PSPOs. Any 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.

12. CONSULTATIONS

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

13. STATUTORY POWER

- 13.1 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: Gary Mumford, Acting Senior Environmental Health Officer

Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Cllr Nigel George, Cabinet Member for Neighbourhood Services
Cllr Tudor Davies, Chair of Environment and Sustainability Scrutiny Committee
Cllr Adrian Hussey, Vice-Chair of Environment and Sustainability Scrutiny Committee
Mark S. Williams, Interim Corporate Director of Communities
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Ceri Edwards, Environmental health Manager
Rob Tranter, Head of Legal Services & Monitoring Officer
Anwen Cullinane, Equalities & Welsh Language
Mike Eedy, Finance Manager
Shaun Watkins, HR Manager
Mike Headington, Green Spaces and Transport Services Manager

Liz Sharma, Consultation and Public Engagement Officer

Background Papers:

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.

Cabinet Report 6th September 2017 – Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017

Appendices:

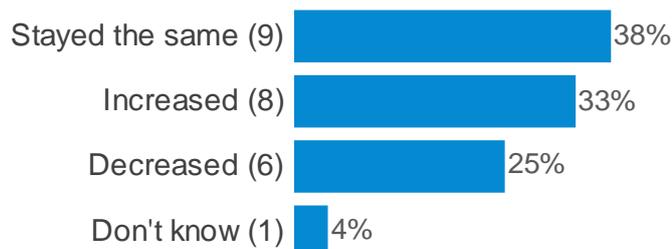
Appendix 1 An overview of the consultation responses (summary report)

Appendix 2 Equality Impact Assessment

This report was generated on 04/06/19. Overall 24 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

During last season, has the amount of dog fouling on your club sports pitch increased, decreased or stayed the same?



Do you agree or disagree that dogs should be prohibited from marked sports playing pitches?



Please give reasons for your answers below.

The danger involved in respect of becoming infected as a result of coming into contact with dog fouling completely outweighs any reason why they should be allowed on these fields. There is ample availability of areas to walk pets with allowing the to ram and foul our fields. We have known games stopped 7 times in 80 minutes to clear dog mess that was missed during the pre match sweep and this is not acceptable. Dog fouling bins are not present at our pitch and I have never witnessed any sort of monitoring present.

There is no reason for dogs to be exercised on sports playing pitches.

We have had to stop games because of the amount of dog fouling on the Pitch at Fields Park. We try and check field before game, but sometimes we miss some.

Loads of other areas available to take your dog

Strongly feel dogs should not be permitted on sports or children's play areas for risk of fouling pitches and harm to people. If they are in the vicinity they should be on leads at all times

Our field at Rhymney RFC is fully enclosed by security fencing, so fouling has not been an issue.

I walk my dog through the park but won't let her on the rugby pitch not even to wee. Fouling is a problem but it's lazy owners to blame not the dog.

Please give reasons for your answers below.

Unfortunately no one in my villave has taken any notice of the rule, as there is not a sign by the entrance of the football pitch to let them know. This is due to no one enforcing the rule. So as there is no one there to tell them about the rule, they still let their dogs run free on my football pitch. Unless there is someone there constantly, to enforce the rule most dog owners have not taken any notice of the rule. So for the health and safety of the football player at my club, the rule needs to be changed to Ban

Dogs should have their own areas like special dog parks. We have issues of where we can train also as council pitches shut down through the summer so we look to use the showfield which is an absolute disgrace. It's where people take their children to learn how to ride bikes, have picnics and enjoy the dry weather but get put off due to the dog mess and also dogs running freely off their leads. With a rise in dog attacks then I think it is vital that dogs have their own space away from public areas that children use

With all the teams adult and children that participate in sport on Abercarn Welfare it only takes one instance of dog excrement to infect a player and it could cause major health problems. I own a dog and would certainly not entertain walking him on a field that is used by for sports activities.

I think it's disgusting that children could fall in dog mess whilst playing football. This needs to be policed in a much better way with fines to dog owners to be visible and become a deterrent

Risk to health for ANYONE playing on the pitch.

It's a sports venue where it's obvious to all that people use

I agree that dogs shouldn't be allowed on marked playing fields due to owners not cleaning up after them

We have to pick it up before each game, which we should not have to do, it is dangerous if a player lands on it, our pitch (Llanfabon drive) it is open to the public so it is hard to stop people using it to walk their dogs on it and not pick their mess up, we would like to have it closed off but that's another story

No matter the diligence of the dog walker either small amounts or complete mess is still left on the field. Children of all ages are encouraged to take part in physical activity and should not be put in a dangerous or filthy situation. At this moment public fields are accessible with no means (bins) to dispose the waste. The only option to prevent dog fouling is to completely fence off playing fields denying access

There is enough open space around this area to avoid dog owners walking on sports playing fields. In my experience the main problem is the older age group who I have seen walk away without cleaning up after their pets and excuses range from not having enough bags to sheer arrogance and the younger generation leading the way here and being more responsible. It is a sorry state that when before our children can play on these areas a inspection has to be made to clear dog mess and never once have I had an empty bucket

Banning dogs from sports pitches isn't the issue it's the irresponsible owners who are at fault. More wardens should be employed to punish those who are to blame for allowing their dogs to foul on sports pitches, although where possible more strategically placed waste bins may help the situation.

We play at 11.30 so are generally the second game of the day so any dog fouling issues have been cleared by then. It is acknowledged that it is almost impossible to stop dogs from accessing playing pitches when they are in public parks

There is no problem with the dogs on the pitches it is the owners who do not clean up after them that is the problem.

As a coach I have to pick up dog mess off the pitch every training session and match days

There are ample areas within the Borough for dogs to be walked. Sports pitches have a defined purpose and dogs should not be allowed on them under any circumstances, people are in regular contact with the ground during some sports and the risks that dog faeces carry are far too great to take any chances.

Please give reasons for your answers below.

Dog fouling creates a hazard for those who play sport on the marked pitches contained in the parks within the borough. There are enough open grass areas within parks for dog owners to exercise their dogs without encroaching on the marked pitches. There are still instances where dog owners exercise their dogs on marked pitches and do not pick up the faeces deposited by their pets. I'm sure many of these people do not realise the risk this presents to those who partake in the sports which are played on the pitches

Appendix 2

EQUALITY IMPACT ASSESSMENT FORM

October 2019

THE COUNCIL'S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

EIAs are a legal requirement under equalities legislation (Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011) where the potential for a significant negative impact has been identified. This legislation has been in place since 2000. We also have a legislative duty to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The protected characteristics are:

- Age
- Disability
- Gender Re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion, Belief or Non-Belief
- Sex
- Sexual Orientation
- Welsh Language*

* The Welsh language is not identified as a protected characteristic under the Equality Act

2010, however in Wales we also have to treat Welsh and English on an equal basis as well as promoting and facilitating the use of the Welsh language.

THE EQUALITY IMPACT ASSESSMENT

NAME OF NEW OR REVISED PROPOSAL*	Amendment of Public Space Protection Order on Dog Control Issues
DIRECTORATE	Communities
SERVICE AREA	Public Protection
CONTACT OFFICER	Gary Mumford
DATE FOR NEXT REVIEW OR REVISION	If Cabinet is minded to proceed with the proposal, the EIA will be reviewed and further informed by public feedback

***Throughout this Equalities Impact Assessment Form, ‘proposal’ is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.**

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities and Welsh Language issues have been proactively considered throughout the decision making processes governing work undertaken by every service area in the Council as well as work done at a corporate level.

The Council’s work across Equalities, Welsh Language and Human Rights is covered in more detail through the **Equalities and Welsh Language Objectives and Action Plan 2016-2020**.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the **Corporate Policy Unit Portal** and the Council’s Equalities and Welsh Language team can provide advice as the EIA is being developed. Please note that the team does not write EIAs on behalf of service areas, the support offered is in the form of advice, suggestions and in effect, quality control.

Contact equalities@caerphilly.gov.uk for assistance.

PURPOSE OF THE PROPOSAL

1	<p>What is the proposal intended to achieve? <i>(Please give a brief description and outline the purpose of the new or updated proposal by way of introduction.)</i></p> <p>We are considering amending the Council's current Public Spaces Protection Order (PSPO) relating to dog control in Caerphilly CBC</p> <p>PSPOs are a relatively new provision, created by the Antisocial Behaviour, Crime and Policing Act 2014 intended to deal with any particular nuisances or problems in a defined area that are detrimental to the local community's quality of life. They can help by giving local authorities and police additional powers to tackle anti-social behaviour. The aim is to stop individuals or groups committing anti-social behaviour in public spaces by introducing restrictions on the use of an area.</p> <p>The proposed amendment to the current Caerphilly CBC will amend the current Public Spaces Protection Order, to introduce new measures to help tackle irresponsible dog owners.</p> <ul style="list-style-type: none">• Caerphilly County Borough Council is proposing the introduction of additional new controls under the public space protection order relating to dogs. Consideration will need to be given to the application of these exemptions across the different proposals. Excluding dogs from all Council owned marked sports/playing pitches. <p>Failure to comply with a PSPO would result in the dog's owner being issued with a fixed penalty notice. In the event of the fixed penalty notice not being paid, it is the Council's policy to prosecute.</p>
2	<p>Who are the service users affected by the proposal? <i>(Who will be affected by the delivery of this proposal? e.g. staff members, the public generally, or specific sections of the public i.e. youth groups, carers, road users, people using country parks, people on benefits etc. Are there any data gaps?)</i></p> <p>The proposed PSPO will affect everyone in the County Borough and affect anyone who is in control of a dog(s).</p> <p>Exemptions will be implemented for registered assistance dogs.</p>

IMPACT ON THE PUBLIC AND STAFF

3	<p>Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals?</p> <p><i>(What has been done to examine whether or not these groups have equal access to the service, or whether they need to receive the service in a different way from other people?)</i></p> <p>The proposal will not adversely affect service users as they will apply equally across the County Borough.</p> <p>In addition the orders will clarify the requirement in respect of dog control for everyone within the County Borough</p> <p>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. Consideration will need to be given to the implementation of these exemptions.</p>
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4	<p>Is your proposal going to affect any people or groups of people with protected characteristics? <i>(Has the service delivery been examined to assess if there is any indirect effect on any groups? Could the consequences of the policy or savings proposal differ dependent upon people's protected characteristics?)</i></p>	
Protected Characteristic	Positive, Negative, Neutral	<p>What will the impact be? If the impact is negative how can it be mitigated?</p>
Age	Positive & Negative	<p>The exclusion of dogs from playing pitches will benefit children, youths and adults that play sport on marked sports pitches, as it will help provide a clean and safe area for sports to be played on.</p> <p>There may be a negative impact on older people with mobility difficulties if they are less able to access alternative areas to exercise their dog(s).</p>
Disability	Positive	<p>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. Consideration will need to be given to the application of these exemptions</p> <p><u>Exemptions for Disabled People</u> The provisions in this Order do not apply to a person who:</p> <ul style="list-style-type: none"> (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; (c) has a disability which affects their mobility, manual dexterity, physical co-ordination or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance. <p>The dog exclusion provision in this Order does not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance. However, it is expected that all reasonable measures should be undertaken to prevent assistance dogs going onto marked sports pitches.</p> <p>When sporting activities take place on the pitches, dogs should be kept under control and not allowed to go onto the marked pitch.</p>

		For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.
Gender Reassignment	Neutral	
Marriage & Civil Partnership	Neutral	
Pregnancy and Maternity	Neutral	
Race	Neutral	
Religion & Belief	Neutral	
Sex	Neutral	
Sexual Orientation	Neutral	

5	<p>In line with the requirements of the Welsh Language Standards. (No.1) Regulations 2015, please note below what effects, if any (whether positive or adverse), the proposal would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.</p> <p><i>(The specific Policy Making Standards requirements are Standard numbers 88, 89, 90, 91, 92 and 93. The full detail of each Standard is available on the Corporate Policy Unit Portal. Although it is important that what is outlined in the proposal is available in Welsh and English, please consider wider impacts on Welsh speakers.)</i></p> <p>All signage and documents will be displayed and produced in Welsh and English.</p>
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INFORMATION COLLECTION

6	<p>Please outline any evidence and / or research you have collected which supports the proposal? This can include an analysis of service users. <i>(Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more protected characteristic groups? If so, what has been done to address any difference in take up of the service? Does any savings proposal include an analysis of those affected?)</i></p> <p>Parks, sports pitches and public spaces are accessed by the community as a whole. With the proposed exemptions no individual or group should be adversely affected by the introduction of this proposal</p>
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CONSULTATION

7	<p>Please outline the consultation / engagement process and outline any key findings. <i>(Include method of consultation, objectives and target audience. What steps have been taken to ensure that people from various groups have been consulted during the development of this proposal? Have you referred to the Equalities Consultation and Monitoring Guidance?)</i></p> <p>An informal 12 week consultation took place with residents and stakeholders from April 2016 on a draft PSPO relating to dog control. 456 completed surveys were returned and a number of additional written responses were received from individuals and stakeholders.</p> <p>Fifty four percent of those who completed the survey agreed with the proposal to introduce a new requirement that makes it an offence to allow dogs onto all marked sports playing pitches owned by Caerphilly CBC. The proposal was supported by local sports clubs. However, a number of key stakeholders, including the Kennel Club, were in disagreement with the proposals and consequently, 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.</p> <p>A number of comments were received to the 2016 consultation that identified age and disability as areas for consideration when allowing dogs on sports and playing fields. A full list of comments is available in the Appendix of the report however a few comment have been included below as examples:</p> <p><i>“As a disabled person I often use sports and playing fields to exercise my dog as they are accessible and flat. My dog needs to be off lead so I can throw a toy as I cannot walk far. If I could not take my dog here I am unsure of where I could access. This goes for many elderly and disabled people in the county.”</i></p>
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“My age and disability make it difficult for me to access green spaces which requires me to walk up or down steep terrains. Without using a car I can not make use of the countryside. The only practicable green spaces available to me without a car are sports fields that are flat, allowing me to enjoy the fresh air, exercise myself and my dog. If I am denied access to these area, I feel it will detrimental to health and well being.”

In May 2019, an informal consultation was carried out with 82 sports clubs in across the county Borough. The informal consultation comprised of a questionnaire of closed questions regarding dog fouling on sports pitches Of the 24 clubs who responded, 71% (17 clubs) felt that the amount of dog fouling had increased or stayed the same, 88% (21 clubs) supported prohibiting dogs from marked sports pitches. No one who responses to the survey identified that their response had been impacted by any of the protected characteristics.

The informal consultation comprised of a questionnaire of closed questions regarding dog fouling on sports pitches.

It is proposed to repeat the informal public and stakeholder consultation as was carried out in 2016 for a period of 10 weeks and as previously, this will be is to be preceded by wide scale communication and engagement e.g. via the local press media, and the Council’s website, social media accounts and newsletter “Newslines”. Communication will continue throughout the consultation period with a view to raising awareness of the consultation and increasing the response rate.

The key consultation tool will be a questionnaire made available for online completion and pdf for printing if required, via the Council’s Website and shared on social media. The survey will also be provided in paper format at some key Council venues and with paper and alternative formats will be available on request.

Stakeholder groups will be contacted directly via e-mail or in writing and invited to respond to the survey. Those to be contacted will include the Kennel Club, Dogs Trust, RSPCA, Parent Network, Voluntary Sector, Community Safety Networks and all Head Teachers for the attention of parents. Groups representing the different equalities strands will also be consulted directly.

MONITORING AND REVIEW

8

How will the proposal be monitored?

(What monitoring process has been set up to assess the extent that the service is being used by all sections of the community, or that the savings proposals are achieving the intended outcomes with no adverse impact? Are comments or complaints systems set up to record issues by Equalities category to be able analyse responses from particular groups?)

	<p>It is therefore proposed to monitor the proposals annually and review the number of service requests received.</p> <p>Any service requests received that identify any issues will be reviewed.</p> <p>We will be able to monitor to see how well they work, and to gather evidence to support the need for any further restrictions. If necessary, further PSPO's could be made in the future to address any ongoing problems</p> <p>-The PSPO will be reviewed every 3 years.</p> <p>Amendments and revisions can be considered before that time if the evidence is received that there is a need for additional controls or changes.</p> <p>The controls must meet the legal test and must be justified.</p>
<p>9</p>	<p>How will the monitoring be evaluated? <i>(What methods will be used to ensure that the needs of all sections of the community are being met?)</i></p> <p>The implementation of these proposals will be closely monitored by the Environmental Health Manager and their team to ensure that their introduction is having the desired effect of improving the area and ensure that no group has become adversely affected.</p> <p>Service requests will be analysed quarterly to see whether the proposals are having the impact desired.</p>
<p>10</p>	<p>Have any support / guidance / training requirements been identified? <i>(Has the EIA or consultation process shown a need for awareness raising amongst staff, or identified the need for Equalities or Welsh Language training of some sort?)</i></p> <p>Officers will receive training in the implementation of the underlying control measures contained within the proposal. Any additional requirements identified will be delivered in line with the Councils Policy and equalities team.</p>
<p>11</p>	<p>If any adverse impact has been identified, please outline any mitigation action.</p> <p>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. Consideration will need to be given to the application of these exemptions.</p>

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12	<p>What wider use will you make of this Equality Impact Assessment? <i>(What use will you make of this document i.e. as a consultation response, appendix to approval reports, publicity etc. in addition to the mandatory action shown below?)</i></p> <p>The EIA will be available as part of the Councils decision making process on the proposals and appended to the relevant report.</p>
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13	<p>An equality impact assessment may have four possible outcomes, through more than one may apply to a single proposal. Please indicate the relevant outcome(s) of the impact assessment below.</p> <p style="text-align: right;">Please tick as appropriate:</p> <p>No major change – the impact assessment demonstrated that the proposal was robust; there was no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <input checked="" type="checkbox"/></p> <p>Adjust the proposal – the impact assessment identified potential problems or missed opportunities. The proposal was adjusted to remove barriers or better promote equality. <input type="checkbox"/></p> <p>Continue the proposal – the impact assessment identified the potential problems or missed opportunities to promote equality. The justification(s) for continuing with it have been clearly set out. (The justification must be included in the impact assessment and must be in line with the duty to have due regard. Compelling reasons will be needed for the most important relevant proposals.) <input type="checkbox"/></p> <p>Stop and remove the proposal – the impact assessment identified actual or potential unlawful discrimination. The proposal was stopped and removed, or changed. <input type="checkbox"/></p>
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Form completed by:	
Name:	Ceri Edwards
Job Title:	Environmental Health Manager
Date:	2/10/2019

Head of Service Approval	
Name:	Rob Hartshorn
Job Title:	Head of Public Protection, Community and Leisure Services
Signature:	
Date:	18/10/2019