

Scrutiny Report



Overview and Scrutiny Management Committee

Date: 21st January 2022

Subject: Public Spaces Protection (dog control) Order 2022

Author Environment & Leisure Service Manager

The following people have been invited to attend for this item:

- Gareth Price – Head of Law and Regulation

1.0 Recommendations to the Committee

At this meeting, the Committee is asked to

- 1.1 Note there were a total of 3019 persons who landed on the PSPO webpage. The Consultation responses consisted of 335 respondents who left a total of 370 comments. There were 71 pending and 34 anonymous responses who did not complete the survey by providing an email address. If these respondents did complete we would have had a total of 475 full responses. In addition, there were 132 respondents who registered a 'like' as support against other respondent's comments. This made a total of 607 contributions.
- 1.2 Agree (or otherwise) that the consultation process has been completed in accordance with the previously agreed consultation plan and recommendations of the Overview and Scrutiny Management Committee of 30th July 2021
- 1.3 Confirm (or otherwise) the need for the restrictions and measures outlined in the draft Order following the completion of the consultation process.
- 1.4 Note the recommendations of Officers at section **5.4**
- 1.5 If satisfied and on completion of the above to make recommendations that the Council considers and approves this Order to be made at its next meeting in Full Council on 22nd February 2022.

2.0 Context and History

2.1 Over view and Scrutiny Management Committee - previous meeting 30th July 2021

2.1.1 In July 2021, City Services Environment and Leisure asked The Overview and Scrutiny Management Committee if public consultation could be carried out concerning a proposed Public Space Protection Order for the Control of Dogs on public spaces in Newport. The Order is deemed necessary to manage irresponsible dog walking/exercising behaviour that has a detrimental effect on other persons use and enjoyment of Public Spaces. This ranges from the failure to remove faeces to the uncontrolled behaviour of animals towards people, other animals and wildlife. Of particular significance is the need to control behaviour in areas of formal sports, play activity and in cemeteries, the occurrence of which has generated formal complaints to the authority.

2.1.2 Pending amendments to information, The Committee agreed for the team to proceed to a full public consultation on the proposed PSPO and to hear the result of that consultation. The team undertook requested amendments to the Order and the consultation questionnaire along with review and production of site mapping within ward boundary locations.

2.1.3 The Committee requested that the team should ensure that public consultations on the PSPO was publicised via social media and other means, throughout their period of consultation, to ensure maximum public engagement. The Committee felt that previous Council consultations may have had lower response rates due to a lack of continued and persistent promotion.

2.1.4 To ensure this was achieved key groups were written to and engaged with in order to notify them of the consultation period; including sports clubs, sports governing bodies, kennel club, Muslim Council for Wales, National Association of Funeral Directors, Wild life Trust and RSPB to name a few. In addition, banners and notices were produced and erected around the various sites and put on gates notifying the public. The [link](#) to the consultation was posted onto Social Media to help raise awareness. A full list of these stakeholders is included in **Appendix A**.

2.1.5 The Committee raised questions around how the Council intends to enforce the Public Space PSPO – whether through park wardens, rangers, or help from the police. Following the Committee it was confirmed that this would be through a series of persuasive followed by firm measures. The persuasive measures would include promotion of responsible dog ownership and education around why measures are necessary. We will use media coverage and signage as primary tools to assist in making requirements of The Order, self-policing, relying upon the public to act responsibly. In addition we will inform the public through our staff: Park Rangers; Countryside Wardens; Gardeners; Grave Diggers and other officers; being proactive in advising customers of the regulation. These staff would, if necessary have the authorisation to request that an owner places their dog on a lead, where applicable, and to remove any faeces. The firm measures mentioned would be formal enforcement and issuing of fixed penalty notices by Gwent Police and/or the Community Safety Wardens, trained and authorised to do so.

2.1.6 The consultation opened on the 18th November 2021 and ended on 24th December 2021. The consultation questionnaire was generated from the key aspects of the Order and combined with the mapping of sites organised into ward profiles. The information was placed on the NCC website however the data provided was gathered through a hosting organisation Common Place who were able to quickly analyse responses and provide visual presentation

of the data for ease of analysis. A copy of the consultation questionnaire is contained in **Appendix B** and the supporting Mapping is in **Appendix C**

3.0 Proposed Order

3.1 The proposed content of the Order, pending Scrutiny agreement and presentation at a subsequent full council, is presented.

3.2 With regard to enforcement and Income the income from any fixed penalty fines will accrue to the existing FPN service area budget as income.

3.3 – Proposed Order drafted below – also in **Appendix D**

Public Spaces Protection (dog control) Order 2022

Notice is hereby given that the Council of the City and County of Newport propose to make a Public Spaces Protection Order under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 that will affect any public place as set out in the draft order attached hereto.

The purpose of the order will be to enforce responsible dog owners.

The County Council of the City and County of Newport (in this order called “the Council”), in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“ the Act”) and of all other enabling powers, after consultation carried out carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order

1 Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“ Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order.

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.

“Public Space” means any place to which the public has access (with or without) payment or permission and which is owned or maintained by the Council, including roads, footpaths, pavements, grass verges, alleyways, public parks and gardens, green spaces and allotments.

1.2 Except when the context otherwise requires, the singular includes the plural and vice versa, and the masculine includes the feminine and vice versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re enacted from time to time and to any regulations made under it.

2 Scope

This Order applies to all the Public Spaces in the City and County of Newport which are described and shown in the Order and Schedules attached to this Order.

3 Duration

This Order shall come into effect on xxx 2022, and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

4 Title

This Order may be cited as "The Newport Council (Public Spaces Protection) (Dog Control) 2022" and imposes the following requirements and prohibitions.

5 Dog Fouling

In all Public Spaces within the City and County of Newport, as shown on the plan and list in **Schedule A**, the following requirements apply:

5.1 (a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and

(b) A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

5.2 For the purpose of Article 5.1 (a)

(i) Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and

(ii) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6 Dogs on Leads

6.1 In any Public Space in the City and County of Newport, as shown on the plan and list in **Schedule A**, a Person in Charge of a dog, at any time, must keep the dog under proper control and if not on a lead, must put and keep on a lead when directed to do so by an Authorised Officer or Police Constable.

6.2 In any of the public cemeteries listed and shown in **Schedule B** to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.

6.3 For the purposes of Article 6.1, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or wildlife / bird on the land.

6.4 No dogs are allowed on sports pitches during the respective sports seasons, as set out below. Any Person in Charge of a dog is only permitted to use this area outside of the published sports season fixture timetable.

Football Season – 1st July to 30th April
Rugby – 1st September to 30th April
Cricket – 1st April to 30th September

7 Dogs Excluded (Enclosed Children’s Play Areas)

7.1 A Person in Charge of a dog is prohibited from taking dogs onto, or permitting the dog to enter or remain in any enclosed children’s play area described or listed in **Schedule C**, to this Order.

8 Offences and Penalties

8.1 Any failure to comply with the requirements or prohibitions imposed in Article 5, 6 or 7 of this Order shall constitute a criminal offence, unless;

- (a) The person has a reasonable excuse for failing to do so;
- (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 or
- (c) The person is exempt under Article 9 of this Order

8.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1000)

8.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

9 Prosecution

The requirements and prohibitions imposed by this Order shall not apply to any person who;

1. Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, the Social Services Act 1948, the Social Services and Well-Being (Wales) Act 2014 or any other legislation;
2. Has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance ; or
3. Is using a working dog purposes of law enforcement, military duties, agriculture or statutory emergency services (search and rescue)

10 Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area), may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

11 Validity Severance

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order, shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF NEWPORT was hereunto affixed in the presence of:-

Authorised Signatory

The day of in the Year

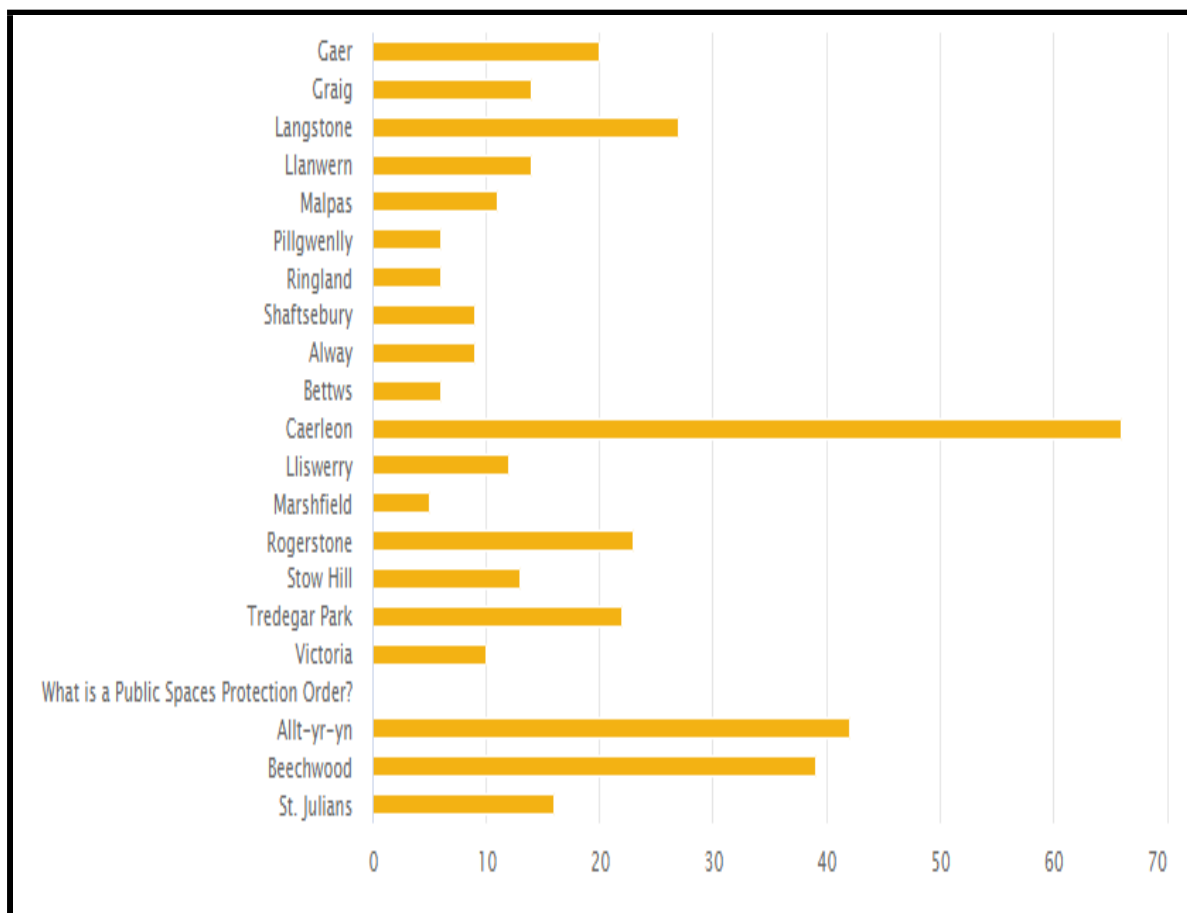
4.0 Consultation feedback

4.1 As stated at the start of this report The Committee is advised that there were a total of 3,019 persons who landed on the PSPO webpage during the consultation period. The Consultation responses consisted of 335 'full' respondents who completed the questionnaire and left an e-mail address. These respondents left a total of 370 comments – so may have commented on two or more wards.

4.2 We received a further 71 partial and 34 anonymous responses i.e. those who did not complete the survey by providing an email address or confirming their input when directed to do so at the end of the survey. If these respondents had completed we would have had a total of 475 full responses. In addition, there were 132 respondents who registered a 'like' as support against other respondent's comments. This made a total of 607 contributions.

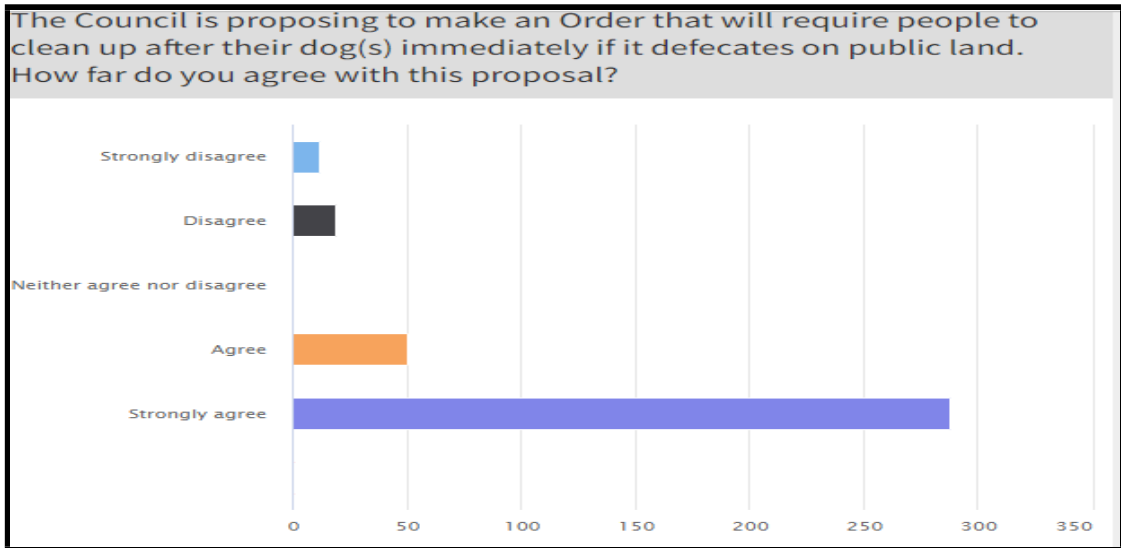
4.3 The data graph below provides a breakdown on the number of persons within each ward who took part in the PSPO consultation. We have reviewed the responses to gauge support, or otherwise, for each proposal within the Order and also to identify other issues and themes which could be used to assist us with rectifying operational issues, targeting promotion, education and understanding.

4.4 Overall the highest ward by ward feedback came from Caerleon ward with 66 respondents, followed by Allt-yr-yn, Beechwood and Langstone. Lowest engagement was within Pillgwenlly, Ringland and Marshfield with only 6 respondents. This guides us as to where greater promotion etc may be required moving forward. The overall numbers per ward are provided below.



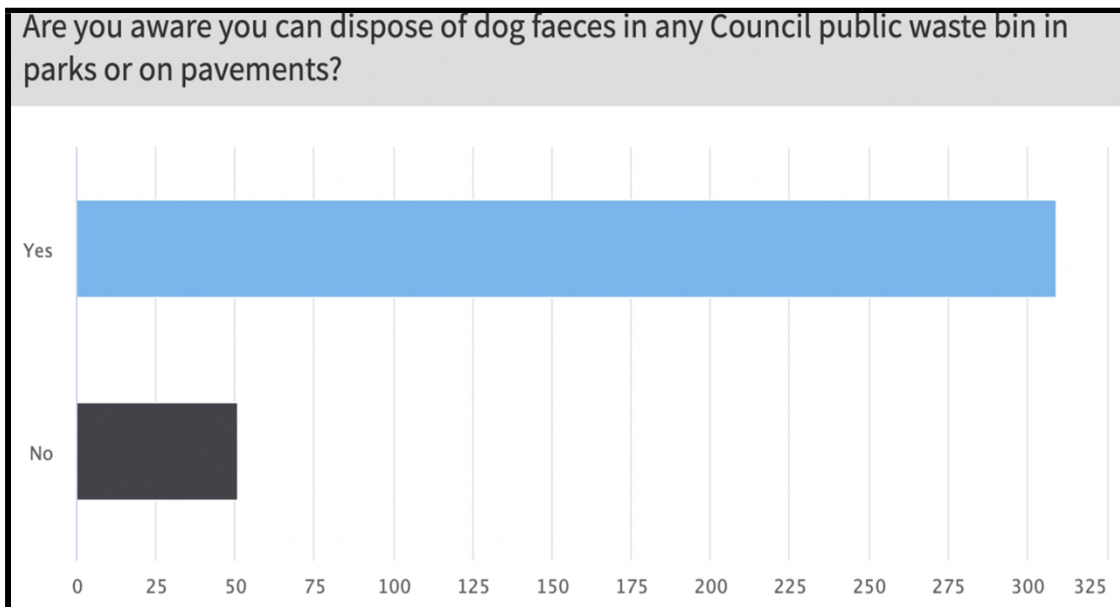
4.5 The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make an Order that will require people to clean up after their dog(s) immediately if it defecates on public land. How far do you agree with this proposal?'***

From 369 responses we can see that 91% of respondents agree with this proposal



12 strongly disagree, 19 disagree, 50 agree and 288 strongly agree.

4.6 The graph below provides a breakdown on the feedback to the question, ***'Are you aware you can dispose of dog faeces in any Council public waste bin in parks or on pavements?'***

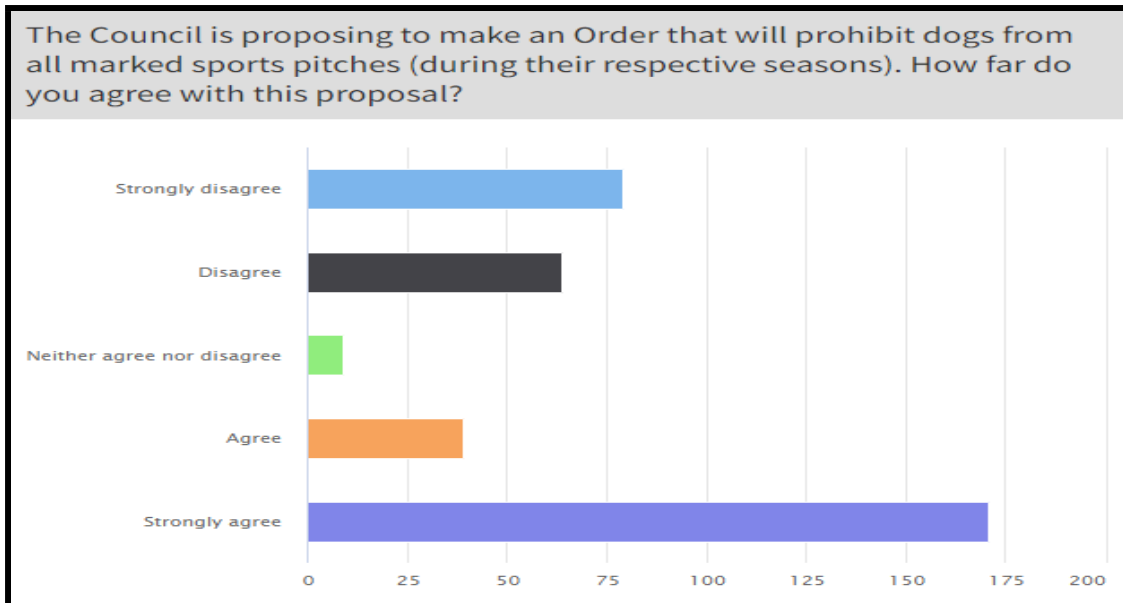


308 said yes, 51 said no

From reviewing the data collated out of 359 responses regarding this question, over 85% of respondents were aware they could dispose of faeces in standard Council public waste bin.

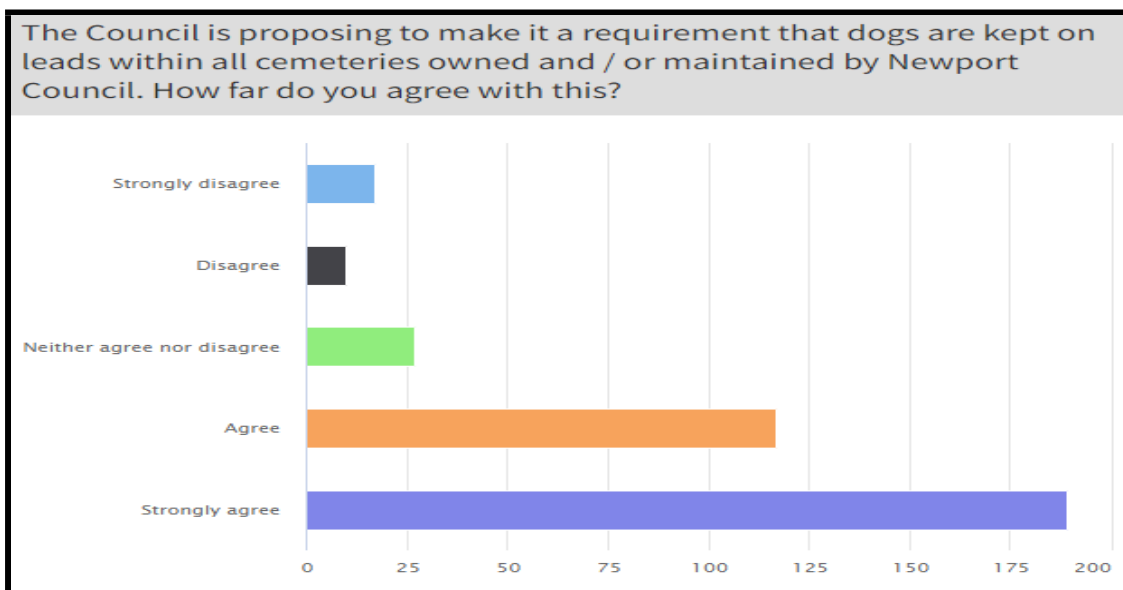
4.7 The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make an Order that will prohibit dogs from all marked sports pitches (during their respective seasons). How far do you agree with this proposal?'***

From reviewing this data we can see that just over one third of people disagreed with this proposal with over another third strongly agreeing that dogs should be prohibited from all marked sports pitches during the paying seasons.



79 strongly disagree, 64 disagree, 9 neither agree nor disagree, 39 agree, 171 strongly agree.

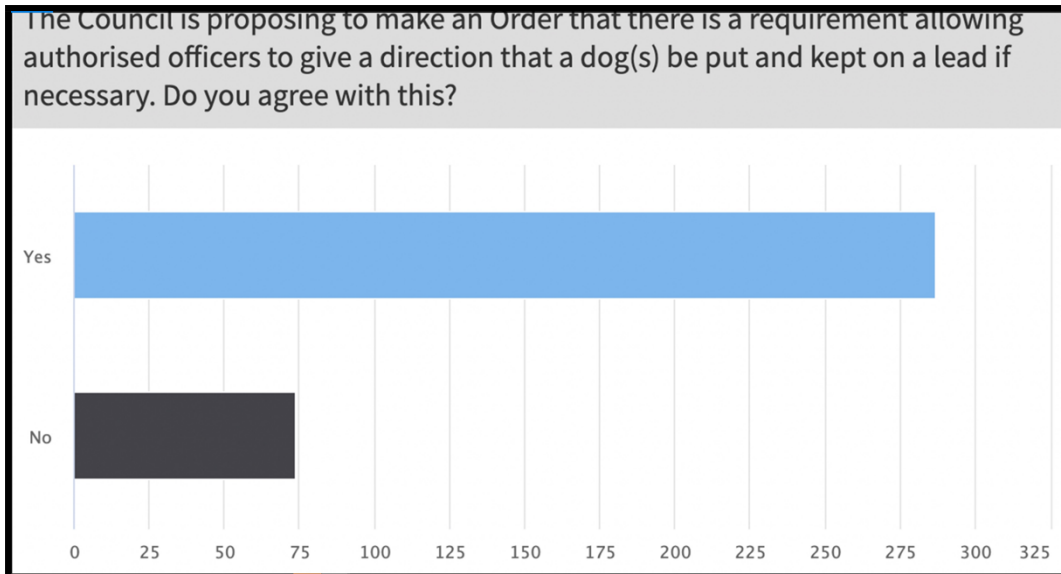
4.8 The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make it a requirement that dogs are kept on lead within all cemeteries owned and/or maintained by Newport Council. How far do you agree with this?'***



17 strongly disagree 10 disagree 27 neither agree nor disagree 117 agree 189 strongly agree
 From reviewing this data there is an overwhelming amount of support in favour of this proposal.

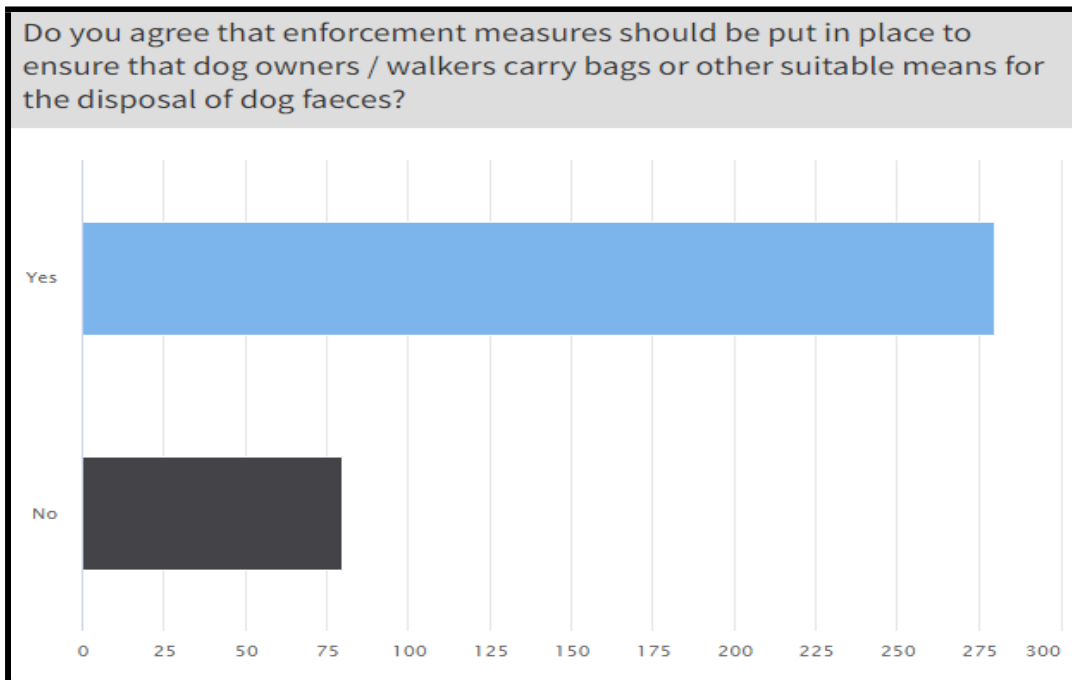
4.9 The graph below provides a breakdown on the feedback to the question, **'The Council is proposing to make an Order that there is a requirement allowing authorised Officers to give a direction that a dog(s) be put and kept on a lead if necessary. Do you agree with this?'**

From reviewing the data below we can again see that there is overwhelming support, that a designated officer can direct people to put their dogs on a lead if necessary.



286 said yes 74 said no

4.10 The graph below provides a breakdown on the feedback to the question, 'do you agree that enforcement measures should be put in place to ensure that dog owners/walkers carry bags or other suitable means for the disposal of dog faeces?'



280 said yes 80 said no

5.0 Assessment of the Consultation responses

5.1 Responses to specific questions.

5.1.1 for the results of the survey please see above:

4.1 As stated at the start of this report The Committee is advised that there were a total of 3,019 persons who landed on the PSPO webpage during the consultation period. The Consultation responses consisted of 335 'full' respondents who completed the questionnaire and left an e-mail address. These respondents left a total of 370 comments – so may have commented on two or more wards.

4.2 We received a further 71 partial and 34 anonymous responses i.e. those who did not complete the survey by providing an email address or confirming their input when directed to do so at the end of the survey. If these respondents had completed we would have had a total of 475 full responses. In addition, there were 132 respondents who registered a 'like' as support against other respondent's comments. This made a total of 607 contributions

5.1.2 In assessing the responses there was positive support across all questions for the restrictions contained in the Order. In particular for cleaning up after dogs, with 91% of respondents agreeing with this requirement.

5.1.3 In term of disposing of waste in general bins over 85% of respondents were already aware that they could use a standard litter bin. However, a total of 51 responders said they were not aware of this. It is proposed that if the Order is confirmed, a campaign will be launched promoting that dog waste can be disposed of in bins located in both parks and on the public highway. This should help to promote a cleaner environment and may encourage pet owners to dispose of their waste safely. This will also assist the team in dealing with enquiries relating to specific 'dog' bins which are no longer installed but frequently requested by the public.

5.1.4 On the proposal to restrict access over marked pitches during the playing season, we saw a division in respondents. Although the overall majority 58% of respondents were in favour of the proposal, 39% of respondents disagreed and 3% could not comment. It is clear from this ratio that although the proposal is supported by the majority there is some engagement work needed around the introduction of this restriction, particularly in relation to the potential health risks.

5.1.5 The cemetery service requirement for all dogs to be kept on leads at all times was overwhelmingly supported with 85% of respondents supporting this. In total 15% of people either had no view or disagreed with the proposal which again suggests that some engagement to raise awareness must be undertaken to highlight why this measure is appropriate at these locations.

5.1.6 For the question around enabling officers to tell people to place their dogs on a lead, we received positive support from over 79% of the 361no. respondents. As stated in the first section of the report an authorised officer would be a member of the service working in that location.

5.1.7 On the question of enabling enforcement for dog fouling and other breaches of the order 77% of the 280 respondents said that they would be in support of enforcement action and the issuing of Fixed Penalties by an authorised officer who was able to issue fixed penalty notices for enforcement purposes.

5.1.8 We did not included a specific question on the exclusion of dogs from play areas and people were free to comment on this in the open section of the form. In the assessment of the responses it was clear that if a comment was made, and there were....., these were always supportive.

5.2 summary of responses to the final section

5.2.1 The final section of the questionnaire was an open box that allowed respondents to provide any other comments. The comment show a polarisation of opinion across the respondents. Some examples quoted from the public responses are attached below as represent themes encountered

- 1) *What about youth pitches which are often located outside of a formal designated adult pitch, these are sometime not marked but identified with cones, can dogs be exercised in these areas? What about training areas? Often sports training takes place on areas outside of a formal sports pitch?*
- 2) *Beechwood Park dogs should be on a lead due to intimidation of children.*
- 3) *Dogs need an allocated area to run.*
- 4) *Dogs should be on a lead on cycle paths.*
- 5) *The Council don't enforce byelaws at present*
- 6) *This issue was raised and rejected in Cardiff. We all have the right to use our public spaces. Sports fields are left empty the majority of the week and irresponsible dog owners will ignore the order. If you want to restrict the open spaces where dogs can be walked cut the number of public sports fields for fairness to all.*
- 7) *There is not enough safe space to let dogs off leads, other than sports pitches, due to broken glass and litter.*
- 8) *These maps are impossible to read which should render this whole process null and void. Criminalising and dictating to owners of well-behaved dogs smacks of over stepping the bounds of policing how we use our public spaces. Spaces that are filled with unchecked drug taking, joy riding and illegal parking.*
- 9) *You don't provide dedicated dog bins so dog walkers use the general ones a lot more than many other park users judging by the massive amounts of uncleared rubbish left by humans.*
- 10) *I would like to know where the beaches are in Newport. Lighthouse or Goldcliff are not beaches as such (just rocky shingles). Dreadful !! If there are any others around Newport I would really like to know.*
- 11) *In addition to approved officers enforcing rules, can it be considered that members of the public can also ask dog owners to put their dog on a lead, as timing may be of the essence in some situations?*
- 12) *Great idea but education without penalty.*
- 13) *More bins required in the City.*
- 14) *Agree with dogs on lead in cemeteries but the other measures proposed are seeking to duplicate existing legislation but give too wide a discretion in enforcement*

5.3 Other consultation responses received

5.3.1 During the consultation period the council received targeted responses from organisations that had been directly consulted on the making of the Order. The first was received on the 23rd November 2021 from The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB (kcdog@thekennelclub.org.uk). The Kennel club is a recommended

consultee for the making of PSPOs to control dogs. A copy of the letter is attached in Appendix E

The contents of the letter is summarised below however the Committee is guided to consider the response in full, which is in support of the Order. The main comments raised are:

- Dog owners should always pick up after their dogs and local authorities should engage in proactive measures to promote this in addition to introducing the Order
- That having the 'means to pick up' is a measure that should not be included in the order because is difficult to enforce. If we proceed with this they suggest that greater clarity on compliance will be necessary
- The Kennel Club support the 'dogs on leads' requirement of this Order as is proportional due its use in only Cemeteries, on marked pitches during playing season and as directed by an authorised officer.
- Finally the KC welcomed the exemptions for assistance dogs

5.3.2 A full response was received from the Dogs Trust through the online format, the overriding view of which was supportive of the order and the proposed measures. The full set of comments is provided in Appendix E.

5.3.3 Following the closure of the consultation period, the council was approached by NRW to consider the extension of the Order to other public sites. It was determined that for this would have to be subject to additional consultation specifically looking at the additional areas. However under the term 'Public Space' some of the areas requested by NRW would automatically be included this included sections of the Wales Coast Path, Local Nature Reserves, National Nature Reserves, Common Land and Open Access land.

5.4 Recommendations to Scrutiny:

5.4.1 Recommendation to Scrutiny Committee to support making of “The Newport Council (Public Spaces Protection) (Dog Control) 2022” a Public Space Protection Order for the Control of Dogs on Public Spaces in Newport, following the outcome of the public consultation in support of control measures.

5.4.2 Recommendation to Scrutiny Committee to retain the requirements and wording of the order covering:

- **Removal of faeces on all public land**
- **Levels of control in public spaces**
- **Exclusion of dogs in specific areas**
- **Enforcement of order where necessary**
- **All other exclusions to and definitions of the Order**

Section B – Supporting Information

6.0 Links to Council Policies and Priorities

6.1 These have already been considered in the initial report to Scrutiny Committee in July 2021.

7.0 Risks

7.1 These have already been highlighted in the initial report to Committee in July 2021.

8.0 Financial Implications

8.1 There are no financial implications to present to the Scrutiny committee reviewing the need for the PSPO, consultation process or proposed amendments to the PSPO. There are financial costs for the production of new notices to be erected on site highlighting the requirements of The Order which will be funded from service area revenue. The service will also explore possible grant support for engagement exercises where The Order is providing an environmental improvement.

9.0 Background Documents

9.1 These have already been provided in the report to Committee in July 2021 with the exception of the FEIA which has been updated following the consultation and the consultation supporting documents which are appended to this report.

Report Completed:

Appendix to be added:-

Appendix A – **Specific Stakeholders Who Received Written Notification of PSPO Consultation for the Control of Dogs on Public Open Spaces**

Appendix B - **Copy of the Questionnaire issued with Consultation**

Appendix C - **Copy of the Maps provided with Consultation**

Appendix D - **Copy of proposed Order**

Appendix E – **Copy of Letter from the Kennel Club and the Dogs Trust**

Appendix A

Specific Stakeholders Who Received Written Notification of PSPO Consultation for the Control of Dogs on Public Open Spaces.

Funeral Directors & Stonemasons

Company Name	Date Sent
Tovey Brothers	18/11/2021
TJ Davies	18/11/2021
Mike Ryan	18/11/2021
Albert Hicks	18/11/2021
Philip Toms	18/11/2021
Co-Op	18/11/2021
White Rose	18/11/2021
Madina Mosque	18/11/2021
Arthur Peakes	18/11/2021
Philip Blatchley	18/11/2021
E J Herberts	18/11/2021
Ws Moore	18/11/2021
White Dove	18/11/2021
Mossfords	18/11/2021
hengoed memorials	18/11/2021
petersons	18/11/2021
Prestige Memorials	18/11/2021
Green Willows	18/11/2021
Gwent Memorials	18/11/2021
National Funeral Directors Ass.	18/11/2021

Sporting Organisations

Company Name	Date Sent
Sport Wales	18/11/2021
FAW	18/11/2021
WRU	18/11/2021
Cricket Wales	18/11/2021
Newport & District Running Club	18/11/2021
Newport Harriers	18/11/2021
Fixture Secretary Youth Football	18/11/2021
Fixture Secretary Newport & District	18/11/2021
AC Pontymister AFC	19/11/2021
Albion Rovers AFC	19/11/2021
Caerleon AFC	19/11/2021
Caerleon Town AFC	19/11/2021
Coed Eva Athletic AFC	19/11/2021
Croesyceiliog Athletic	19/11/2021

Cromwell Youth AFC	19/11/2021
Cwmbran Celtic	19/11/2021
Cwmcarn Athletic AFC	19/11/2021
Lliswerry FC	19/11/2021
Lucas Cwmbran AFC	19/11/2021
Machen Athletic AFC	19/11/2021
Newport Civil Service	19/11/2021
Newport Corinthians AFC	19/11/2021
Newport Eagles AFC	19/11/2021
Pill YMCA AFC	19/11/2021
Pontnewydd United AFC	19/11/2021
River Usk AFC	19/11/2021
Rogerstone AFC	19/11/2021
Spencer Youth & Boys AFC	19/11/2021
Graig Villa Dino FC	19/11/2021
Newport Saints AFC	19/11/2021
Llanyrafon AFC	19/11/2021
Mill Street Dynamo FC	19/11/2021
Newport City AFC	19/11/2021
Marshfiels	19/11/2021
Greenmeadow FC	19/11/2021
Newport Sparta FC	19/11/2021
Alway FC	19/11/2021
Court Farm FC	19/11/2021
Newport HSOB	19/11/2021
Hartridge RFC	19/11/2021
Caerlen RFC Youth	19/11/2021
Caerleon RFC	19/11/2021
Malpas RFC	19/11/2021
St Julians HSOB	19/11/2021
Pill Harriers	19/11/2021
Newport Saracens	19/11/2021
St Joesphs RFC	19/11/2021
Whiteheads RFC	19/11/2021
Albion Rovers	19/11/2021
Caerleon Junior Youth	19/11/2021
Cromwell Youth	19/11/2021
Duffryn Wanderers	19/11/2021
Graig Villa Dino	19/11/2021
Malpas United	19/11/2021
Newport City	19/11/2021
Newport Civil Service Youth	19/11/2021
Newport Corinthians	19/11/2021
Newport Saints	19/11/2021
Pill YMCA	19/11/2021
Riverside Rovers	19/11/2021

Rogerstone Rangers	19/11/2021
Spencer's JFC	19/11/2021
Tredegar Park Wolfpack	19/11/2021
Caldicot Castle JFC	19/11/2021
Caldicot Town	19/11/2021
Caerwent JFC	19/11/2021
Chepstow Garden City	19/11/2021
Chepstow Town FC	19/11/2021
Gilwern Athletic AFC	19/11/2021
Monmouth Town JFC	19/11/2021
Raglan Football Club	19/11/2021
Undy AFC	19/11/2021

Other Organisations

Company Name	Date Sent
The Kennel Club	18/11/2021
Dogs Trust	18/11/2021
RSPCA	18/11/2021
Newport City Council Kennels	18/11/2021
Friends of NCC Kennels	18/11/2021
Friends of Newport Ornamental Parks	19/11/2021
Belle Vue Café	19/11/2021
Beechwood Café	19/11/2021
Lliswerry Pond	19/11/2021
NRW	19/11/2021
Ramblers (south east wales)	19/11/2021
British Horse Society	19/11/2021

Religious Organisations

Company Name	Email Address	Date Sent
Church In Wales	Online website submission - no email address on site to use. Messaged to tell them about the consultation	18/11/2021
Catholic Church in Wales	Online website submission - no email address on site to use. Messaged to tell them about the consultation	18/11/2021
Methodist Church in Wales	Online website submission - no email address on site to use. Messaged to tell them about the consultation	18/11/2021
Muslim Council Wales	info@muslimcouncilwales.org.uk	18/11/2021

Appendix B – Consultation Questionnaire

As presented on the Newport City Council Website

Have your say!

Newport City Council has launched a consultation on our new Public Space Protection Order (PSPO).

The proposed PSPO will cover the issue of the control of dogs on public sites.

You can use this site to read through our proposals, and tell us what you think of them.

e.g. sam@smith.com **Keep me updated**

Your email will be used to contact you about project updates. You can unsubscribe at any point. Please read our [privacy policy](#).

[About the project](#) [Timeline](#) [Latest news](#) [Have your say](#) [The team](#)

HAVE YOUR SAY [View all](#)

What is a Public Spaces Protection Order?
Learn more about Public Space Protection Orders (PSPO).

Allt-yr-yn
Have your say on proposals in Allt-yr-yn (33 responses)

Alway
Have your say on proposals in Alway (10 responses)

When responding to this questionnaire you may wish to consider whether you agree that there is a need for the proposed controls, whether they are reasonable, whether they should be amended in some way, or whether there are other ways we could achieve our objectives. We would welcome any comments that you may wish to make.

The following questions relate to specific elements of the proposed order, and would be applied to ALL publicly accessible land in the City of Newport, subject to the exemptions set out previously.

The Council is proposing to make an Order that will require people to clean up after their dog(s) immediately if it defecates on public land. How far do you agree with this proposal?

Select one option

Strongly disagree

Disagree

Neither agree nor disagree

Agree

Strongly agree

Are you aware you can dispose of dog faeces in any Council public waste bin in parks or on pavements?

Select one option

Yes

No

A direction to put a dog on a lead can only be made where an authorised officer of the Council or Police Constable believes that 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 or bird.

The Council is proposing to make an Order that will require people to place their dog on a lead when directed to do so by an authorised officer. How far do you agree with this proposal?

Select one option

Strongly disagree

Disagree

Neither agree nor disagree

Agree

Strongly agree

The Council is proposing to make an Order that will prohibit dogs from all marked sports pitches (during their respective seasons). How far do you agree with this proposal?

Select one option

Strongly disagree

Disagree

Neither agree nor disagree

Agree

Strongly agree

The Council is proposing to make it a requirement that dogs are kept on leads within all cemeteries owned and / or maintained by Newport Council. How far do you agree with this?

Select one option

Strongly disagree

Disagree

Neither agree nor disagree

Agree

Strongly agree

The Council is proposing to make an Order that there is a requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary. Do you agree with this?

Select one option

Do you agree that enforcement measures should be put in place to ensure that dog owners / walkers carry bags or other suitable means for the disposal of dog faeces?

Select one option

Additional comments

What is your email address?

[Back](#)

[Next](#)

Appendix C – Mapping from Consultation exercise

See attached files

Appendix D – Proposed Order

Public Spaces Protection (dog control) Order 2022

Notice is hereby given that the Council of the City and County of Newport propose to make a Public Spaces Protection Order under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 that will affect any public place as set out in the draft order attached hereto.

The purpose of the order will be to enforce responsible dog owners.

The County Council of the City and County of Newport (in this order called “the Council”), in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“ the Act”) and of all other enabling powers, after consultation carried out carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order

12 Definitions and Interpretation

12.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“ Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order.

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.

“Public Space” means any place to which the public has access (with or without) payment or permission and which is owned or maintained by the Council, including roads, footpaths, pavements, grass verges, alleyways, public parks and gardens, green spaces and allotments.

12.2 Except when the context otherwise requires, the singular includes the plural and vice versa, and the masculine includes the feminine and vice versa.

12.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re enacted from time to time and to any regulations made under it.

13 Scope

This Order applies to all the Public Spaces in the City and County of Newport which are described and shown in the Order and Schedules attached to this Order.

14 Duration

This Order shall come into effect on xxx 2022, and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

15 Title

This Order may be cited as "The Newport Council (Public Spaces Protection) (Dog Control) 2022" and imposes the following requirements and prohibitions.

16 Dog Fouling

In all Public Spaces within the City and County of Newport, as shown on the plan and list in **Schedule A**, the following requirements apply:

16.1 (a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and

(b) A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

16.2 For the purpose of Article 5.1 (a)

(i) Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and

(ii) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

17 Dogs on Leads

17.1 In any Public Space in the City and County of Newport, as shown on the plan and list in **Schedule A**, a Person in Charge of a dog, at any time, must keep the dog under proper control and if not on a lead, must put and keep on a lead when directed to do so by an Authorised Officer or Police Constable.

17.2 In any of the public cemeteries listed and shown in **Schedule B** to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.

17.3 For the purposes of Article 6.1, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or wildlife / bird on the land.

17.4 No dogs are allowed on sports pitches during the respective sports seasons, as set out below. Any Person in Charge of a dog is only permitted to use this area outside of the published sports season fixture timetable.

Football Season – 1st July to 30th April
Rugby – 1st September to 30th April

18 Dogs Excluded (Enclosed Children's Play Areas)

18.1 A Person in Charge of a dog is prohibited from taking dogs onto, or permitting the dog to enter or remain in any enclosed children's play area described or listed in **Schedule C**, to this Order.

19 Offences and Penalties

19.1 Any failure to comply with the requirements or prohibitions imposed in Article 5, 6 or 7 of this Order shall constitute a criminal offence, unless;

- (d) The person has a reasonable excuse for failing to do so;
- (e) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so or
- (f) The person is exempt under Article 9 of this Order

19.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1000)

19.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

20 Prosecution

The requirements and prohibitions imposed by this Order shall not apply to any person who;

- 4. Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, the Social Services Act 1948, the Social Services and Well-Being (Wales) Act 2014 or any other legislation;
- 5. Has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance ; or
- 6. Is using a working dog purposes of law enforcement, military duties, agriculture or statutory emergency services (search and rescue)

21 Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area), may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

22 Validity Severance

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order, shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF
NEWPORT was hereunto affixed in the presence of:-

Authorised Signatory

The day of in the Year

Appendix E – Copy of Letter from the Kennel Club and response from the Dogs Trust



Formal KC
Consultation Respo

Dogs Trust's Comments

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.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

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; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

4. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal

bags

5. 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.

6. 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.

7. 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.

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

We believe that the vast majority of dog owners are responsible, and that the 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.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.