

# Report

## Council

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### Part 1

Date: 19 July 2022

Subject **Public Spaces Protection (Dog Control) Order 2022**

**Purpose** To inform Council of the outcome of the Overview and Management Scrutiny Committee process and the results of the public consultation

To ask Council to consider the recommendations and to decide whether to approve the draft Order reflecting the recommendations made

**Author** Service Manager Environment and Leisure

**Ward** All

**Summary** A Public Spaces Protection Order (PSPO) is designed to prevent individuals or groups committing Anti-social Behaviour (ASB) in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is, or is likely to be, persistent or continuing in nature; and be unreasonable.

They are enforced by the Police and Council Authorised Officers.

A previous dog control order expired in 2016, this report outlines the processes that have been followed since then to devise the new restrictions and consult on the possible restrictions.

**Proposal** **That, following recommendation by Scrutiny and Oversight Management Committee review of the PSPO and consultation responses, the Council adopts and implements the Dog Control PSPO (2022 – 2025)**

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law and Standards
- Head of Finance
- Head of City Services
- Head of People Policy and Transformation
- Cabinet Member – Strategic Planning, Regulation and Housing
- Cabinet Member - Climate Change and Bio-Diversity
- Cabinet Member – Community Wellbeing

**Signed**

## **Background**

### **1.0 What is a Public Spaces Protection Order?**

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land.

The maximum length of a PSPO is three years.

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998. Consideration of a PSPO will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

### **2.0 What kind of restrictions can be in a PSPO?**

Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted towards certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit Anti-social behaviour.

Section 59 of the ASB etc. Act sets out the basis on which local authorities may make a PSPO.

It provides as follows –

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that:
  - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
  - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
  - (a) is, or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—
  - (a) prohibits specified things being done in the restricted area,
  - (b) requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

## **Enforcement**

Orders will be enforced by a Police Officer, Police Community Support Officer and delegated Council Officers e.g. Community Safety Wardens or Environmental Health staff.

A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 or a level 3 fine of up to £1,000 on prosecution.

### **3.0 Approving the Public Spaces Protection (dog control) Order 2022**

This is matter for Full Council to decide.

#### **3.1 Essentially the Council needs to consider:**

- Is there a specific problem caused by particular on-going activities?
- If so, what needs to be done to regulate or control the problem?
- What is the least restrictive way of achieving this?

#### **3.2 Appeals against the setting up of a PSPO**

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council. An appeal, if made will be against the implementation whole order.

### **4.0 Previous dog control orders**

Prior to 2015, dog control had been managed within City cemeteries and parks through stand alone policy under the Clean Neighbourhoods and Environment Act 2005 and with bylaws relating to individual sites. Other legislation covered wider control of dogs on private land and near livestock. Dog control orders were site-specific rather than applying to all areas of council owned and managed public open space and could include special considerations such as the protection of wildlife. The new legislation allows for Dog Control Orders to be transitioned within three years of the enactment of the Anti-Social Behaviour Crime and Policing Act 2014. However it has been proposed and following other local authorities, to combine all matters related to dog control and behaviour into a wider order, which would benefit all members of the community using council owned and managed land – dog owners and the wider public alike.

### **5.0 New PSPO 2022 - 2025**

The proposed PSPO is contained within Annex A of this report and if agreed by Council will contain 7 restrictions. It is proposed that the order will apply varying degrees of control, to all Public Space. This means any place to which the public or any section of 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, play areas and allotments.

### **6.0 Financial Summary**

There are no financial considerations to implementing the proposed PSPO. Enforcement of it will be met by existing staff within existing budgets in Gwent Police and Newport City Council.

### **7.0 Risks**

The risks associated with introducing new restrictions are considered to be minimal. These risks could include implementing unenforceable restrictions, imposing conditions that have unexpected consequences, unfairly impact on otherwise permitted freedoms, and the PSPO becoming irrelevant.

Risk	Impact of Risk if it occurs (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Council puts in measures that are not supported	H	L	Listen to all groups that are affected. Public Consultation.	Head of Law and Regulation
Council puts in measures that are disproportionate to the problems experienced / open to legal challenge	H	L	Ensure the measures that are introduced are balanced against the anti-social behaviour experienced and the right level of restrictions to address it.	Head of Law and Regulation

## 8.0 Links to Council Policies and Priorities

Newport's Corporate Plan 2017-2022, "Building a better Newport" has a key focus – to improve people's lives in all the Council does.

Antisocial behaviour is directly cited as an issue. The PSPO in the Pill ward is referenced in the Corporate Plan as a key tool to improving people's lives and delivering a more resilient community in Pill. Comments from the public consultation on the existing City Centre PSPO state that it has had a positive impact.

A PSPO for dog control will assist the Council to meet its 'wellbeing goals' under the Well-being of Future Generations (Wales) Act 2015; in particular the 'prosperity' and "To build cohesive and sustainable communities.

The proposed individual restrictions are based on the bespoke evidence of anti-social behaviour in terms of out of control dogs on certain sites and complaints regarding removal of dog waste. It would not be in the public interest to apply the restrictions only to the sites referenced in specific complaints as this would only lead to the requirement for multiple orders or extensions of the order and therefore dog control is being viewed as a city wide matter.

## 9.0 Options Available and considered

### 9.1 Option 1

Approve the draft City Centre Public Spaces Protection Order at **Appendix A**, for a period of 3 years, as per the Overview and Scrutiny Management Committee's recommendation.

### 9.2 Option 2

Not to approve the Order.

## 10.0 Preferred Option and Reasons

Option 1 - Approve the revised City Centre Public Spaces Protection Order at **Appendix A**, for period of 3 years, as per the Overview and Scrutiny Committee's recommendation.

This is supported by Gwent Police and Council Officers as a proportionate response to the control of dogs and dog waste within the City. The use of a PSPO on dog control was fully supported through the public consultation and at the Overview and Scrutiny Management committee.

## **11.0 Comments of Chief Financial Officer**

Approval to implement the City Centre PSPO will not result in any adverse financial impact, enforcement will be carried out using existing staff and budgets and Gwent Police.

## **12.0 Comments of Monitoring Officer Head of Law and Standards**

The Council has a statutory power under the Anti-Social Behaviour, Crime and Policing Act 2014 to make Public Space Protection Orders in order to prevent types of anti-social behaviour which have, or are likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is or is likely to be persistent or continuing in nature. The nature and extent of the PSPO must be reasonable having regard to the type of behaviour and its impact on the public. In this case, the proposed PSPO would incorporate a number of separate dog control measures that had previously been included in various Dog Control Orders and local byelaws, which have now expired. These control measures include banning dogs altogether from certain sensitive areas such as children's play areas, a requirement for dogs to be under control and on-leads in certain other public places and a general requirement for dog owners to clean up dog faeces.

In accordance with the legislation and the statutory guidance, the Council is required to consult with the Police, the general public and key stakeholders such as dog owner clubs and associations and to have regard to any consultation responses before deciding to proceed with the PSPO. The process of public engagement and consultation with key stakeholders has been overseen by Overview and Scrutiny Management Committee. An extensive consultation exercise has been carried out to assess the need and justification for specific control measures and to inform the final decision. The results of the engagement with key stakeholders and the public responses to the wider consultation are contained within this Report. Scrutiny Management Committee have considered the consultation responses and are satisfied that there is a need for these control measures and have recommended to council that the proposed PSPO be adopted.

When considering the need for any PSPO, the Council must act reasonably and, in particular, it must have regard to the Human Rights Act 1998. However, the rights and freedoms set out in the Articles to the Human Rights Act are qualified rights and can lawfully be restricted or limited where this is a necessary and proportionate means of achieving a legitimate aim, including public safety and the prevention of crime and disorder. It is a question of balancing rights and freedoms of individuals against the needs of the wider community. Therefore, the Council has to take a balanced decision regarding the need for these dog control measures and their impact on the freedoms and rights of dog owners. In accordance with the Animal Welfare Act, dog owners have a duty to provide for their dogs' welfare, including exercise. Therefore, the Council must consider the need for sufficient areas where dog owners can exercise their dogs freely, without breaching the PSPO. Any prohibition order must be a reasonable and proportionate means of preventing or reducing the detrimental impact of anti-social behaviour associated with uncontrolled dogs and dog fouling.

Any prohibition order must be a reasonable and proportionate means of preventing or reducing the detrimental impact of any specific type of anti-social behaviour. When considering the need for and the impact of any PSPO, the Council also has to have regard to its public sector equality duty under Section 149 of the Equality Act 2010 and its socio-economic duty. Therefore, a Fairness and Equality Impact Assessment has also been carried out, which is also attached to this report, and demonstrates that the Council has had regard to its public sector and socio-economic duties, when assessing the impact of the dog control measures on particular disadvantaged groups of dog owners

Public support for a particular measure is not, of itself, sufficient grounds to make a PSPO. The Council needs to be satisfied that the proposed dog control PSPO is justified because of specific problems and a need to control anti-social behaviour caused by irresponsible dog owners in order to protect the public. The Council also has to be satisfied that the extent of the controls or prohibitions is reasonable and that there are no alternatives, and less restrictive ways, of regulating the problems.

There is a statutory right of appeal to the High Court within 6 weeks if a PSPO is considered to be unreasonable.

## 13.0 Comments of Head of People, Policy and Transformation

The report asks Council to approve a Public Spaces Protection Order within Cemeteries, Parks and Countryside facilities relating to dog control. The implementation will be met from existing resources and as such there are no specific staffing implications.

Significant public engagement has been undertaken in the development of the proposal. Engagement demonstrates considerable support for the proposed control measures.

An FEIA has been completed and there are no negative outcomes associated with groups or individuals with protected characteristics. In terms of the WFG Act, this PSPO particularly supports prevention and involvement and will contribute to the development of Green and Safe Spaces which is a key intervention for the Council and the OneNewport partnership.

## 14.0 Comments of Ward Councillors

As proposals affect all wards, members were consulted and able to contribute as part of the overall consultation process. Ward member comments and input to consultation have not been identified separately.

## 15.0 Scrutiny Committees

### 15.1 Overview and Scrutiny Management Committee 30<sup>th</sup> July 2021.

- i. At this meeting, 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 committee was advised that 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 was the need to control behaviour in areas of play activity, formal sports and in cemeteries, the occurrence of which has generated formal complaints to the authority.
- ii. 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. It was confirmed that this would be through a series of persuasive followed by firm measures.

*Persuasive Measures* would include promotion of responsible dog ownership and education around why measures are necessary such as media coverage and signage, making requirements of The Order, self-policing, and relying upon the public to act responsibly. In addition staff including: Park Rangers; Countryside Wardens; Gardeners; Grave Diggers and other officers; would be 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.

*Firm Measures* 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

The committee questioned whether park rangers are still present and available for members of the public during opening hours. The committee was assured that they were available and were provided with the hours of working of the teams

- iii. The Committee requested that the team ensured that public consultation on the PSPO was publicised via social media and other means, throughout the period of consultation, to ensure maximum public engagement. A committee member asked whether information would be put on noticeboards in parks for public knowledge. The reason was that The Committee felt

that previous Council consultations may have had lower response rates due to a lack of continued and persistent promotion.

These actions were taken forward and implemented as part of the consultation exercise.

- iv. The Committee raised concern regarding the potential issue of definition within the proposed order. The committee stated that the standard of dogs' quality of life and ability to exercise and socialise appropriately should not be impacted. The committee requested amendments to the Order wording and the proposed consultation questionnaire.

These actions were completed prior to consultation.

- v. The Committee highlighted safety concerns of dogs in children's play areas and concerns of public health in allowing dogs onto playing fields. Concerns were also voiced around dogs in cemeteries as members has received complaints from their constituents. The committee were advised that control of dogs in these areas would be included in the consultation. The Committee also asked about the provision of enclosed exercise areas and were advised that some facilities do exist already and there were no plans to create more of these areas.
- vi. The committee were concerned about some inconsistencies in the mapping and were assured that site mapping and ward boundary locations would be checked for the consultation.

Minutes of the July Overview and Scrutiny meeting are available [here](#).

#### **15.2 The conclusions of the July committee were:**

- 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.

#### **15.3 Overview and Scrutiny Management Committee: 21<sup>th</sup> January 2022**

- i. At this meeting, the Service Manager Environment and Leisure presented an amended briefing report to The Committee. The report covered the results of the public consultation and also included amended plans and minor alterations to the wording of the order. (**Appendix A**). The presentation to Committee detailed how the team undertook extensive engagement with stakeholders, placed banners and notices in parks and achieved a comprehensive on-line consultation exercise that had been linked to social media and the Newport City Council website. The Service Manager informed committee that as a result there had been 3019 persons who viewed the PSPO webpage and a total of 370 engagements/responses from 335 respondents with a clear majority in favour of implementing the order.
- ii. The service manager confirmed that the Cabinet Members for Asset management, Culture and Leisure and City Services had been briefed about the proposed PSPO.
- iii. The Committee raised a number of questions regarding enforcement, dog bins and control of dogs on cyclepaths all of which were signposted in the report or dealt with at the meeting. The minutes of the 21<sup>st</sup> January committee can be found here [220122 OSMC minutes.pdf \(newport.gov.uk\)](#)

#### **15.4 Conclusions of the January Committee were:**

- The Committee noted that there had been a good number of responses and commended the team for using such a varied approach to collecting consultation feedback.
- Committee agreed that the proposed PSPO should be presented to Full Council at the next available committee for consideration and if agreed, implementation at the next available opportunity

## **16.0 Equalities Impact Assessment and the Equalities Act 2010**

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in the Human Rights Act 1998 and must not act in a way that is incompatible with a Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –

- (a) In accordance with the law (in other words Council must be satisfied that the statutory conditions in Section 59 of the ASB etc. set out above in 1.6 are satisfied)
- (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
- (c) A proportionate means of achieving the legitimate aim

The two issues which must therefore be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the city. Given the restrictions proposed, the evidence provided on the need for these controls, the consultation processes and its feedback, the proposed PSPO is proportionate and has a legitimate aim.

Council must also have regard to the public sector equality duty at s149 of the Equality Act 2010, which is as follows –

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A Freedom and Equalities Impact Assessment is at **Appendix B** and was presented to Scrutiny in the Report on 21<sup>st</sup> January 2022.

## **17.0 Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on all PSPO's is open to all of our citizens regardless of their age.

## **18.0 Wellbeing of Future Generations (Wales) Act 2015**

The following principles are of relevance while considering the FGA2015:

- 18.1 **Long term:** This order replaces dog control orders and bylaws. It is for a defined time period and must be reviewed in 3 years. This period allows certainty from the public and the enforcement bodies and also time for the restrictions to take effect.



- 18.2 **Prevention:** The PSPO adds additional enforcement powers (Fixed Penalty Notices) to NCC and Police colleagues. Both organisations will encourage and advise alongside FPN issue and enforcement.
- 18.3 **Integration:** The PSPO fits directly into the corporate plan, and also the wider community objectives.
- 18.4 **Collaboration:** This PSPO has been drafted with the full support of Key partners including Police colleagues, and was openly consulted on for 1 month. Any amendment to the PSPO including changes to the nature of the restrictions and the remit or area of the PSPO must be consulted on.
- 18.5 **Involvement:** Newport residents have been consulted and directly involved in understanding the need and gauging their support for this PSPO with overwhelming support for the PSPO.

## 19.0 Crime and Disorder Act 1998

The implementation of the PSPO will directly support the themes under the Crime and Disorder Act 1998 and will be a key tool in dealing with antisocial behaviour in and around the City Centre.

The PSPO is used and fully supported by Gwent Police.

## 20.0 Consultation

- i. In July 2021, City Services Environment and Leisure asked The Overview and Scrutiny Management Committee if public consultation could be carried out concerning the proposed Public Space Protection Order for the Control of Dogs on all public spaces in Newport. 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. Environment and Leisure ran an online public consultation using the 'Common Place' platform, for a period from 18<sup>th</sup> November – 24<sup>th</sup> December 2021. The consultation was promoted through the City Council's website, social media platforms and through the displaying of banners and notices in key areas. All information including a copy of the consultation document and all of the relevant maps were available to view online.
- ii. In addition, letters were sent directly to stakeholders, interested parties and partners to make them aware of the consultation and guide them to the information. Stakeholders included those who have raised concerns about dog fouling, dogs on and off leads, dogs in cemeteries, dogs on pitches etc. The stakeholders included sports clubs, sports governing bodies, The Kennel Club, Muslim Council for Wales, National Association of Funeral Directors, Wild life Trust and RSPB. In addition, banners and notices were produced and erected around the various sites to notify the public. The link to the consultation was posted onto Social Media to help raise awareness. A full list of stakeholders is included in **Appendix B within the FEIA.**

### 20.1 Summary of Consultation feedback:

- i. Overall there were **3019** views of the PSPO consultation webpage during the period. The Consultation attracted **335** respondents who left a total of **370** comments. There were **105** responses that could not be counted as complete as the name and/or email address was not provided. If these respondents had completed we would have had a total of **475** full responses.

- ii. In addition to direct comments there were **132** respondents who registered a 'like', in support of other respondent's comments. With these additional interactions this made a total of **607** contributions to the consultation.
- iii. The highest contribution by ward was from Caerleon residents with a total of **66**, however all wards engaged.
- iv. The assessment of the responses clearly demonstrated that there was positive support across the general themes and potential restrictions contained in the Order specifically:
  - cleaning up after dogs, with 91% of respondents agreeing.
  - 85% of respondents aware that they could use a standard litter bin to dispose of dog waste.
- v. A total of 51 responders said that they were not aware that they could use a standard litter bin to dispose of dog waste. 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.
- vi. On the proposal to restrict access over marked pitches during the playing season, 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.
- vii. 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.
- viii. The question around enabling officers to tell people to place their dogs on a lead, received positive support from over 79% of the respondents.
- ix. On the question of enabling enforcement for dog fouling and other breaches of the order 77% of respondents said that they would be in support of enforcement action and the issuing of Fixed Penalty Notices by an authorised officer.
- x. The full analysis of consultation responses are embedded in the January 2022 Scrutiny Report and also listed in the Background Papers (Section 22.0) of this report.
- xi. Public feedback through the consultation exercise shows a clear mandate for the making of this order. Newport City Council to work closely on gathering and reviewing such evidence in order to assess the need and appropriateness, or otherwise, of a PSPO to deal with a wider restriction on begging. The partners must ensure that they work together to consider how begging may be linked to other issues, and that given the impact that such a restriction would have, undertake a specific freedoms and impact assessment of any associated restriction on wider begging within a future PSPO, before the next PSPO review period.

## **20.2 Graphical responses**

- i. Graphical analysis of the consultation process is in **Appendix C**.

- ii. Each respondent was given the opportunity (voluntary and not mandatory) to offer a comment alongside each control or their response and these are contained in **Appendix D**

### **20.3 Other Responses**

- i. 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](mailto: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**
- ii. 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
- iii. 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**.
- iv. 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.

### **21.0 Background Papers**

- LGA PSPO Guidance to LA's (2020)
- Corporate Plan (2017-2022)
- Overview and Scrutiny Management Committee Report - January 2022



10.21 PSPO  
guidance\_06\_1.pdf



Corporate-Plan-201  
7-2022.pdf



PSPO Scrutiny  
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# Scrutiny Report



## Overview and Scrutiny Management Committee

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Date: 21<sup>st</sup> 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 30<sup>th</sup> 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 22<sup>nd</sup> February 2022.

Dated: 11 June 2022

## Appendix A

### 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 ownership.

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 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) Order 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 plans in the attached Schedule to the Order, 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, and as shown on plans in the attached Schedule to the Order, a Person in Charge of a dog, at any time, must keep the dog under proper control. 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 on plans in the attached Schedule to the 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 onto marked 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	– 1 <sup>st</sup> July to 30 <sup>th</sup> April
Rugby	– 1 <sup>st</sup> September to 30 <sup>th</sup> April
Cricket	– 1 <sup>st</sup> April to 30 <sup>th</sup> 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, games area or ball court described or listed on plans in the attached Schedule to the 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

## Appendix B

### Fairness and Equalities Impact Assessment (FEIA)

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Jennie Judd                      **Role:** Parks and Recreation team Leader

**Head of Service:** Paul Jones                      **Date:** 13/01/2022

**I confirm that the above Head of Service has agreed the content of this assessment** Yes

### Part 1: Identification

**Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or is likely be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

The Anti-Social Behaviour, Crime and Policing Act 2014 which came in to effect in October 2014, introduced the Public Spaces Protection Order (PSPO). The Act repeals Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders. Newport has a number of dog control orders on sensitive sites in addition to by-laws on parks and open spaces. Many of these are now out of date and all need to be replaced under the new legislation.

There was a three year time limit for local authorities to replace these existing orders with one or more PSPO(s). We therefore propose to review all such orders which were in place in Newport and achieve consistency across all publically accessible sites owned and managed by the Council. **What is a Public Spaces Protection Order?**

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or of a continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land. The maximum length of a PSPO is three years.

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights. Consideration of a Public Spaces Protection Order will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted against certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

Orders can be enforced by a police officer, police community support officer and council officers. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a prosecution via the courts which can result in a level 3 fine, £1000.



Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or may be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

This order will cover issues such as the control of dogs on public sites including dog fouling, putting dogs on leads and excluding dogs from specified zones or sites.

*In summary the order:*

- **Excludes dogs from:**
  - enclosed children's play areas
  - specific coastal areas and beaches at certain times of year
  - specific sporting or recreational facilities at certain times of the year
- **Requires dogs to be kept under close control or/and on a leads within:**
  - City Council churchyards and cemeteries on a lead
  - Countryside or coastal sites as directed
  - Sites designated for nature conservation and protection as directed
  - Along cycleways and Active Travel routes as directed

In Council managed parks dogs can be off lead if under control, and must be on a lead if not, or if asked to do so by a Council officer/police etc.

- **Requires dog owners to remove dog faeces forthwith**
  - This applies to any land to which is open to air and to which the public have access
  - To carry a suitable receptacle to collect and dispose of dog faeces
- **Requires dog owners to put their dog on a lead when directed to do so by an authorised officer or by appropriate signage on site.**
  - This will apply to any public land where a dog is considered to be out of control or causing alarm and or distress (including parks)
- **At council managed and public parks dogs can be off lead if under control, but must be put on lead if causing a nuisance or asked to do so by a Police Officer or Council Officer.**

## Part 2: Engagement

**Outline how you have/will involve stakeholders who will be affected by the policy/proposal**

This review has been led by the Overview & Management Scrutiny Committee. At its meeting in July 2021, the Scrutiny Committee considered the issues and agreed for public consultation to commence to seek views on the proposed order.

Following a number of customer complaints which had been recorded by the City Contact Centre, it was apparent there is a City wide issue concerning the exercising of dogs and dog waste within Newport. Copies of such complaints have been attached as an appendix to the initial report which was present to Scrutiny in July 2021.

An online public consultation ran using the '*Common Place*' platform, for a period from 18<sup>th</sup> November – 24<sup>th</sup> December 2021 with a copy of the consultation document and all of the relevant maps being available to view online. The consultation was promoted through the City Council's website, social media platforms and through the displaying of banners and notices in key areas.

In addition, to the above specific letters were sent to known stakeholders, interested parties and partners to try and encourage as much feedback as possible. Such parties include those who have raised concerns and complaints regarding dog fouling, the exercising of dogs on and off leads across various Council sites, including cemeteries and parks

**What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**

The results of the public consultation have been summarised and included in the report to Scrutiny Committee for the meeting on 21st January 2022.

We have engaged with as many individuals and groups as possible, where known who may be impacted or affected by this decision through various methods; email, letter, poster/banner displays, advertising on website and social media platforms A list of known stakeholders directly consulted are listed above.

An online public consultation run using the 'Common Place' platform, for a period from 18<sup>th</sup> November – 24<sup>th</sup> December 2021 with a copy of the consultation document and all of the relevant maps being available to view online. The consultation was promoted through the City Councils website, social media platforms and through the displaying of banners and notices in key areas.

On 22<sup>nd</sup> November 2021 a meeting was held with the Muslim community lead by the Strategic Director; Environment & Sustainability. During this meeting members of the community raised concerns about dogs urinating and defecating on loved ones graves. Concerns were also raised that is greatly disrespecting for any person or dog to stand on a grave, with a request being made that a fence could be erected around the Muslim burial blocks restricting access. Erecting a fence around a burial block would not be practical for a maintenance and operational practice. Currently blocks must be accessible in order to top-up sunken graves, cut grass using a ride/stand on machine, and to dig graves which may be pre-purchased. The introduction of the PSPO of insisting that dogs are exercised on a lead, would ensure better control of a dog ensuring that it does not urinate or defecate on any persons grave or memorial.

In addition, to the above specific letters were sent to know stakeholders, interested parties and partners to try and encourage as much feedback as possible. Such parties include those who have raised concerns and complaints regarding dog fouling, the exercising of dogs on and off leads.

<b>Religious organisation Name</b>	<b>Email Address</b>	
<b>Church In Wales</b>	Online website submission - no email address on site to use. Messaged to tell them about the consultation	<b>18/11/21</b>
<b>Catholic Church in Wales</b>	Online website submission - no email address on site to use. Messaged to tell them about the consultation	<b>18/11/21</b>
<b>Methodist Church in Wales</b>	Online website submission - no email address on site to use. Messaged to tell them about the consultation	<b>18/11/21</b>
<b>Muslim Council Wales</b>	info@muslimcouncilwales.org.uk	<b>18/11/21</b>

**Locations of Banners and Posters:**

<b>Site Name</b>	<b>Signage</b>
Allt-yr-yn Play Area	Poster
Baneswell Mouse Garden Play Area	Poster
Barrack Hill Play Area	Poster
Beechwood Park Lower	Banner

Beechwood Top Play Area	Banner
Belle Vue Park Play Area	Banner
Bettws Lane Play Area	Banner
Bideford Road Play Area	Poster
Broadmead Play Area	Poster
Cambrian Close Play Area	Poster
Camellia Drive Play Area	Poster
Castleglas (Maesglas Crescent) Play Area	Poster
Cefn Wood Play Area	Poster
Centenary Park (Langstone)	Poster
Clifton Pk Play Area	Banner
Cold Bath Road Play Area	Banner
Cowshed Lane Junior Play Area	Poster
Crindau Play Area	Banner
Delphinium Drive	Poster
Duffryn Play Area	Poster
East field Play Area	Poster
Edward German Play Area	Poster
Fort View Play Area	Poster
Gaer Play Area	Poster
Glaswillch Play Area	Poster
Glebelands Play Area	Banner
Grove Park Play Area	Poster
Home Farm Play Area	Poster
Humber Close Play Area	Poster
Jubilee Gardens Play Area	Poster
Kelly Road Play Area	Poster
Light House Road Play Area	Poster
Livale Walk	Poster
Llewellyn Grove Play Area	Poster
Lysaghts Play Area	Banner
Moorland Park Play Area	Poster
Nash Play Area	Poster
NISV Tennis Centre	Poster
Oliver Road Play Area	Poster
Parry Drive Play Area	Poster
Pencarn Duffryn Play Area	Poster
Penkin Hill Play Area	Poster
Penny Crescent Play Area	Poster
Pill Teenager Play Area	Poster
Playford Crescent Play Area	Poster
Poppy Park (Langstone)	Poster
Radnor Road Play Area	Poster
Renoir Play Area	Poster
Rhiwderin Chapel Terrace	Poster
Rhiwderin Community Centre	Poster

Ringland Play Area	Poster
Roman Way Play Area	Poster
Ruperra Play Area	Poster
Shaftesbury Park	Poster
Somerton Play Area	Poster
Sorrel Drive Play Area	Poster
Stelvio Park Play Area	Poster
Thompson Avenue Play Area	Poster
Tone Close Play Area	Poster
Tredegar Park Play Area	Banner
Tredegar Park Skate Area	Poster
Turner Street Play Area	Poster
Underwood Junior Play Area	Poster
Waltwood Drive Play Area	Poster
Westfield Caerleon Play Area	Poster
Westfield Malpas Outdoor Gym	Poster
Westfield Malpas Play Area	Poster
Christchurch Car Park	Banner
Christchurch Cemetery	Banner
St Woolos Cemetery	Banner
Underwood Cemetery	Banner
Caerleon Cemetery	Banner

***Specific Stakeholders Who Received Written Notification Re: The Consultation***

***Funeral Directors & Stonemasons***

<b>Company Name</b>	<b>Date Sent</b>
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

## Sports 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
Llisbury 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
Griag 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
Marshfields	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

## Part 3: Assessment

### 1. Impact on people that share Protected Characteristics

Protected characteristic	Impact:			<p><b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b></p> <ol style="list-style-type: none"> <li>1. Promote equal opportunity across different groups .</li> <li>2. Promote community cohesion</li> <li>3. Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
<b>Age</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>For younger people and children (or any users) of the play areas at the parks, this is a positive action, as it will restrict any fouling, safety concerns for those with a fear of dogs, and interruption by unruly dogs at the sites specifically closed off for play. Ensuring a safe and clean environment for children/users to play freely.</p> <p>There are also a number of youth sports teams who will benefit from the order, due to the proposed impacts of a reduction or removal of dogs from sports pitches or areas dedicated for sports and games.</p> <p>All people who visit the parks for exercise will also benefit from the order due to the restrictions on dog fouling, dogs being under control and the clean and safe use of facilities and sports/recreational/games areas being kept dog-free.</p> <p>For dog owners of working age (16+), there may be a negative impact in regards to beach access and restrictions for dogs, especially for those who work seasonal or shift work, as this may impact the times/dates they are able to freely exercise their dogs/dogs at a beach location.</p>
<b>Disability</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Disabled people will have full access to sites as usual, with or without a dog. The same restrictions and changes within this order apply to those who are disabled, however all guide/support/assistance dogs are permitted within all areas of the parks and cemeteries if/when accompanying owners. For example if a guide or assistance dog is accompanying a person into the children's play area they will be walked on a lead.</p> <p>Disabled people who do not live locally, those who rely on public or private transport arrangements and those who can attend only at specific times/dates, may be impacted negatively when accessing the beach areas noted within the order, due the availability and reliance on external providers of transport, or the restrictions of free access at specified times.</p>

Protected characteristic	Impact:			<p><b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b></p> <ol style="list-style-type: none"> <li>1. Promote equal opportunity across different groups .</li> <li>2. Promote community cohesion</li> <li>3. Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
				This order will aim to reduce the occurrence or likelihood of people who are immobile, pregnant, unsteady on foot, or who are at risk of injury of a fall occurs.
<b>Gender Reassignment /Transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There will be no impact, either positive or negative in relation to this specific protected characteristic.
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There will be no impact, either positive or negative in relation to this specific protected characteristic.
<b>Pregnancy or maternity</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pregnant people or those who have recently given birth may positively benefit from the introduction of this order, due to the reduction in the occurrence of dogs running or not being under suitable control in parks, cemeteries and other locations listed within the order, when using these areas. This order will aim to reduce the occurrence or likelihood of people who are immobile, pregnant, unsteady on foot, or who are at risk of injury of a fall occurs.
<b>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There will be no impact, either positive or negative in relation to this specific protected characteristic.
<b>Religion or Belief or non-belief</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This order will have a particularly positive impact on those who share this protected characteristic. The peace, tranquillity and solace mourners/visitors seek when attending funerals, visiting or tending to graves will be positively impacted by the requirement for all dogs to be kept on a lead. It will mean less disruption from dogs who are not kept under control across the cemetery sites, and will ensure that fouling at sacred areas of burial and remembrance are strictly adhered to and thus avoiding distress and health and safety concerns where mourners or visitors are in close physical contact with grounds and headstones. The belief held by many religions (specifically those buried at the cemeteries in Newport; Christian, Catholic, Roman Catholic, Orthodox, Muslim, non-denominational as well as those who are not religious but follow set belief systems) is that the ground is consecrated, holy and a place which must be held with the utmost respect for loved ones' final resting place. It is important for followers of these religions that respect for all areas and grounds at cemeteries are free from unnecessary disruption and are kept in clean order. The order proposed will ensure that dogs cannot 'run free' amongst graves and burial plots and will avoid fouling in these areas.



Protected characteristic	Impact:			<p>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</p> <ol style="list-style-type: none"> <li>Promote equal opportunity across different groups .</li> <li>Promote community cohesion</li> <li>Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
				<p>Those who hold no belief, or who do not maintain the same beliefs as mentioned above, will still be able to utilise the cemeteries for dog walking, providing that dogs are on lead. People can still tend graves and walk amongst the cemetery graves with dogs, provided the order is adhered to.</p> <p>The distress and upset caused by dog fouling and dogs who are not under control, to those mourning is somewhat mitigated by the implementation of this order, however the negative impact on those using the cemeteries solely for dog exercising can only be mitigated by using alternative areas and facilities locally.</p>
<b>Sex</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There will be no impact, either positive or negative in relation to this specific protected characteristic.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There will be no impact, either positive or negative in relation to this specific protected characteristic.

## 2. Impact on Welsh Language

	Impact:			
	Positive	Negative	Neither	
<b>Welsh Language</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All public documents including banners, posters and the consultation documents were made available in both English and Welsh. Any future signage concerning the PSPO, including the order and any issued FPN's will be issued bilingually/available in Welsh.</p> <p>There will be no impact, either positive or negative in relation to this specific protected characteristic.</p>

Please describe how you have ensured your engagement has considered the view of Welsh speakers in Newport.

We have worked closely with the City Council's Welsh Language Officer, to ensure that all public documents have been compliant

## Part 4: Sustainability

How has your proposal embedded and prioritised the sustainable development principle in its development?

<p>Long term</p>	<p><i>The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.</i></p>	<p>The introduction of Public Space Protection Orders within Cemeteries, Parks and Countryside facilities, brings Newport City Councils (NCC) provisions in line with other neighbouring Local Authorities. The introduction of the PSPOs will replace the now expired Dog Control Order. This will help to provide a safer environment for everyone to take part in outdoor recreation including formal and informal play, without fear or unwanted contact with a dog that is being exercised off a lead. It also assists in reducing the danger of persons coming into contact with dog faeces that has failed to be appropriately disposed of. Although no such cases have been reported to the city Council, it has been widely reported upon throughout the UK and locally that children and adults have suffered from gastrointestinal parasites and even blindness, when coming into contact with dog faeces when taking part in formal sports and informal play. The introduction of the Dog Control Orders will ensure that Newport City Council is continually striving to provide a safe and inclusive environment, for all people to take part in different forms of Leisure activities long term, whilst also providing suitably allocated locations and spaces where dogs can freely be exercised, without the fear of owners being challenged.</p> <p>Longer term through the implementation of this order, residents and visitors will be able to feel more safe, comfortable and at ease when using facilities or accessing areas where the PSPO is in place, in the knowledge that there will be a reduced possibility of dog fouling, or freely roaming dogs who are a nuisance and out of control..</p>
<p>Prevention</p>	<p><i>Putting resources into preventing problems occurring or getting worse</i></p>	<p>The Order would allow for Council Officers and Gwent Police to demand a dog is placed on a lead <b><u>if it is deemed as being a nuisance or could cause harm</u></b>. It must be pointed out though that the wording of the legal order states that this will only take place if it is deemed necessary to do so. Signage will also be displayed to remind people of their responsibilities in an area when officers are not present.</p> <p>The proposed PSPO will help to:-</p> <ul style="list-style-type: none"> <li>Reduce the risk to public health, especially the vulnerable and young children</li> <li>Reduce customer complaints of dog fouling or nuisance dogs,</li> <li>Reduce the stress and upset to those visiting loved one's graves,</li> <li>Help to promote and provide a safe environment for leisure and play opportunities, and</li> <li>Provide pet owners with the opportunity to exercise their pets without fear of prejudice.</li> </ul>

<p>Integration</p>	<p><i>Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.</i></p>	<ul style="list-style-type: none"> <li>• <i>A prosperous Wales</i> This report supports the following Well-being of Future Generations Goals and NCC Well-being Objective number three; to enable people to be healthy, independent and resilient, offering a diverse range in services and opportunities to residents and non-residents of Newport, with clear guidance on what is and is not acceptable. Services and land locations have been carefully considered with a full range of access opportunities put forward.</li> <li>• <i>A resilient Wales</i> This proposal demonstrates a flexibility of approach in providing access to public open space, based upon different types of usage and considers a range of intersectional protected characteristics and demographics in order to meet the needs and demands of the communities we serve. Failure to listen and provide inclusive opportunities, could lead to the Council being deemed as acting inappropriately in failing to deliver a statutory function.</li> <li>• <i>A healthier Wales</i> To help provide an environment where everyone can socialize, exercise and take part in formal and informal leisure activities. Providing access to a range of public open space which is fit for purpose for safe sporting activities, skill building and includes interactive safe play spaces as well as areas where dogs can interact and freely be exercised on and off leads. To reduce/stop the mental distress of either finding dog waste/or observing dogs urinating on graves or memorialization. All of these factors help to support people's physical and mental well-being.</li> <li>• <i>A more equal Wales</i> To provide an outdoor environment where individual needs are met and facilitated in a safe way, ensuring that no persons are excluded, through the management of a more targeted, adaptive approach rather than a blanket approach to the adoption of the PSPO's across all public open spaces. This ensures a more equal Newport and demonstrates that we have listened to the needs of those visiting our leisure and public open spaces.</li> <li>• <i>A Wales of more cohesive communities</i> Providing the PSPO's will provide safe spaces for the whole community, demonstrating that Newport City Council is committed to working with and listening to the people of Newport and supports all residents and visitors in safely using and enjoying public facilities and areas (managed by the Council).</li> <li>• <i>A Wales of vibrant culture and thriving Welsh Language</i></li> </ul>
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		<p>All public documentation produced concerning the PSPO's has been made available in the Welsh language. This helps to raise awareness and promote the Welsh language.</p> <ul style="list-style-type: none"> <li>• <i>A globally responsible Wales</i></li> </ul> <p>This proposal does have the potential of generating income from the issuing of a fixed penalty fine. Such orders can be enforced by a police officer, police community support officer and council officers. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a prosecution via the courts which can result in a level 3 fine, £1000. Income from any fixed penalty fines will accrue to the service area budget as an income line. In other service areas such as Public Protection, such income is used to reduce the net operating budget.</p>
Collaboration	<i>Working together to deliver objectives.</i>	<p>By Introducing the Public Space Protection Order we have measured our approach against other neighbouring local authorities of a similar size and demographic. We believe that this is fundamental to our tourism economy, as well as contributing to the education, health and well-being of our residents. It is imperative that the council's Parks &amp; Outdoor Recreation and Countryside Services, and infrastructure, is of the highest standard, to continue to provide physical activity and education opportunities, along with partnership working with key stakeholders such as Newport Live, Keep Wales Tidy, Gwent Wildlife Trust, Sport Wales, WRU, WFA, RSPB and volunteers and friends groups. This can only be achieved if there is continued and planned investment into such community and green infrastructure across Newport.</p> <p>The proposed PSPO will be adopted for a period of three years, during which we will continue to monitor the implementation of the adopted PSPO by taking feedback from all customers, monitoring of customer complaints via the Contact Centre, to analyse what changes may need to be considered for extending the PSPO's beyond year three.</p>
Involvement	<i>Involving those with an interest and seeking their view - ensuring that those people reflect the diversity of the area.</i>	<p>This process has been widely consulted upon by using a public online platform called 'Common Place.' This ran for a period from 18<sup>th</sup> November – 24<sup>th</sup> December 2021 with a copy of the consultation document and all the relevant maps being available to view online. The consultation was promoted through the City Council's website, social media platforms and through the displaying of banners and notices in key areas.</p> <p>In addition, to the above, specific letters were sent to key stakeholders, interested parties and partners to try and encourage as much feedback as possible. Such parties include those who have raised concerns and complaints regarding dog fouling and the exercising of dogs on and off leads.</p>

## Part 5: Socio-economic Duty

Advice has been sought from the Connect Communities Team that this is not a strategic decision, therefore, this section of the FEIA is not applicable.

## Part 6: Actions and Outcomes

IMPACT ON PEOPLE THAT SHARE PROTECTED CHARACTERISTICS			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
<p>For dog owners of working age (16+), there may be a negative impact in regards to beach access and restrictions for dogs, especially for those who work seasonal or shift work, as this may impact the times/dates they are able to freely exercise their dogs/dogs at a beach location.</p>	<p>Customers who may wish to exercise their dog off a lead during a time when restrictions to access are in place. There is a designated dog exercise area managed by Public Protection at Coronation Park, which can be booked in advance, thus allowing the customer to be allocated a time which is suitable to their needs.</p>	<p>Annually assess the usage figures of those using this facility. Do we need to promote better usage of this facility through advertising? Conduct a survey with existing customer base and online to gain an understanding, of what are the reasons for using or not using this facility to its potential.</p>	Service Area
<p>Disabled people will have full access to sites as usual, with or without a dog. The same restrictions and changes within this order apply to those who are disabled, however all guide/support/assistance dogs are permitted within all areas of the parks and cemeteries if/when accompanying owners. For example if a guide or assistance dog is accompanying a person into the children's play area they will be walked on a lead. Disabled people who do not live locally, those who rely on public or private transport arrangements and those who can attend only at specific times/dates, may be impacted negatively when accessing the beach areas noted within the order, due the availability and reliance on external providers of transport, or the restrictions of free access at specified times.</p>	<p>Customers who may wish to exercise their dog off a lead during a time when restrictions to access are in place. There is a designated dog exercise area managed by Public Protection at Coronation Park, which can be booked in advance, thus allowing the customer to be allocated a time which is suitable to their needs.</p>	<p>Annually assess the usage figures of those using this facility. Do we need to promote better usage of this facility through advertising? Conduct a survey with existing customer base and online to gain an understanding, of what are the reasons for using or not using this facility to its potential.</p>	Service Area

<b>IMPACT ON WELSH LANGUAGE</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact</b>	<b>How this impact will be monitored</b>	<b>Owner</b>
Positive	all material publicising order will be bi-lingual	Authorised and checked by PR, by the Parks teams and service manager	Service Area
<b>SOCIO-ECONOMIC IMPACTS</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact</b>	<b>How this impact will be monitored</b>	<b>Owner</b>
Require owners to use dog waste bags	new scheme for free bags in parks will be rolled out	by parks staff	Service Area
<b>SUSTAINABLE DEVELOPMENT PRINCIPLE</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact</b>	<b>How this impact will be monitored</b>	<b>Owner</b>
none identified			

# Appendix C

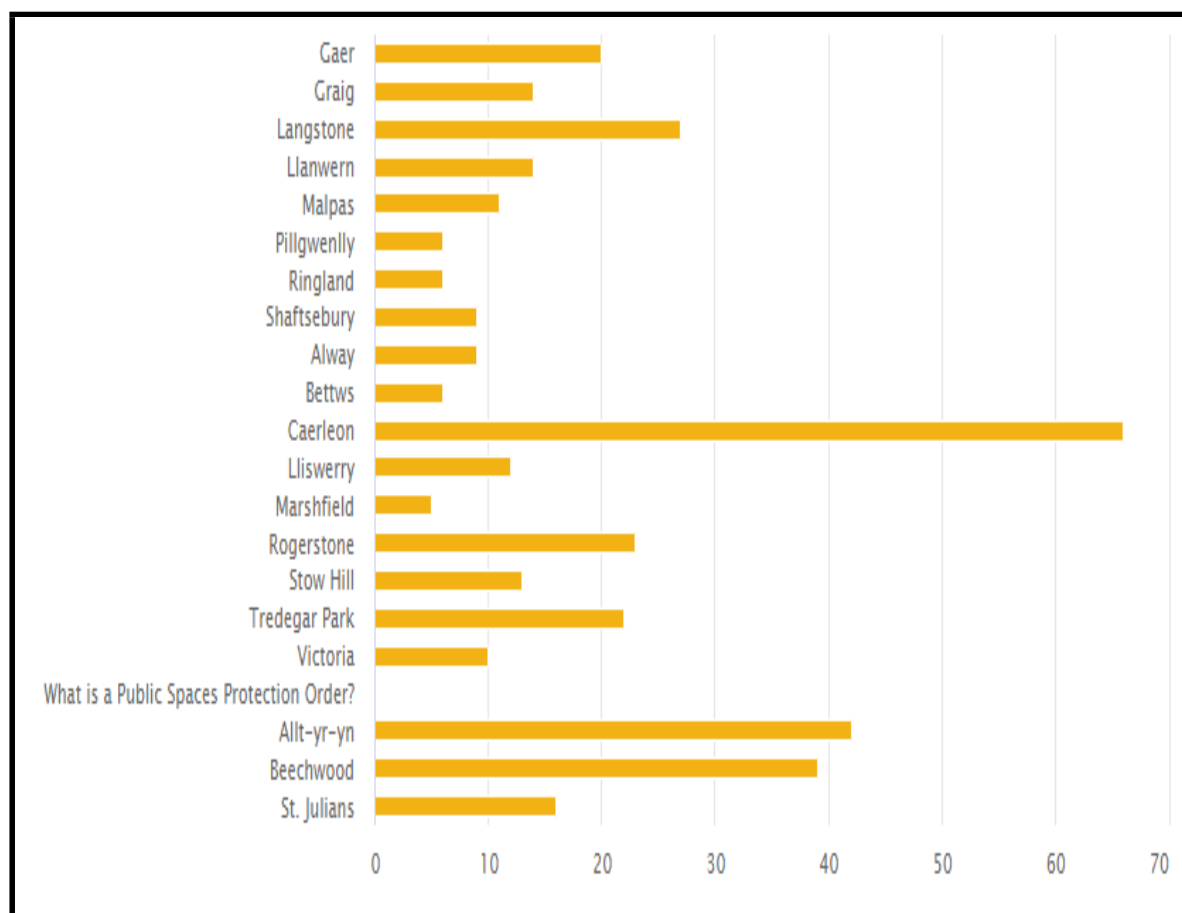
## Consultation feedback

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.

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.

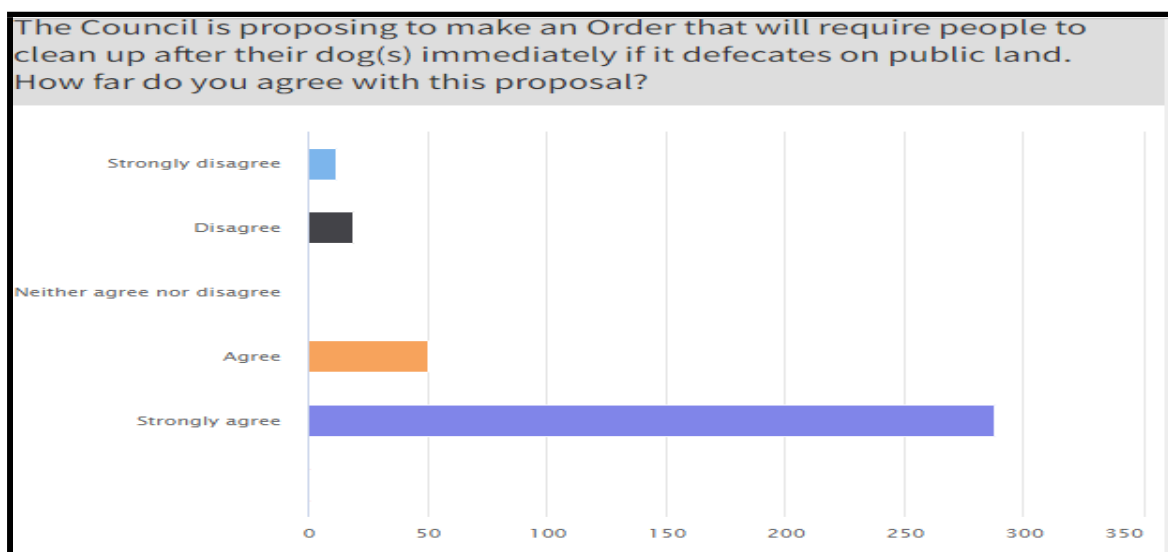
The data graph below provides a breakdown on the number of persons within each ward who took part in the PSPO consultation. We have reviewed the responses to gauge support, or otherwise, for each proposal within the Order and also to identify other issues and themes which could be used to assist us with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

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.



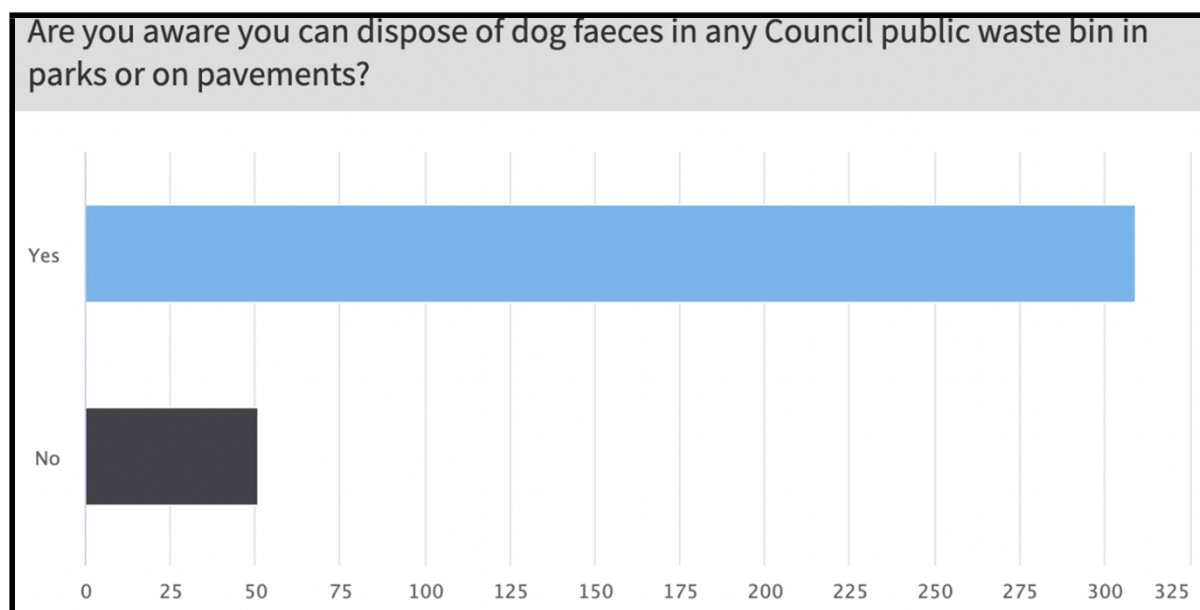
The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make an Order that will require people to clean up after their dog(s) immediately if it defecates on public land. How far do you agree with this proposal?'***

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.

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?'***



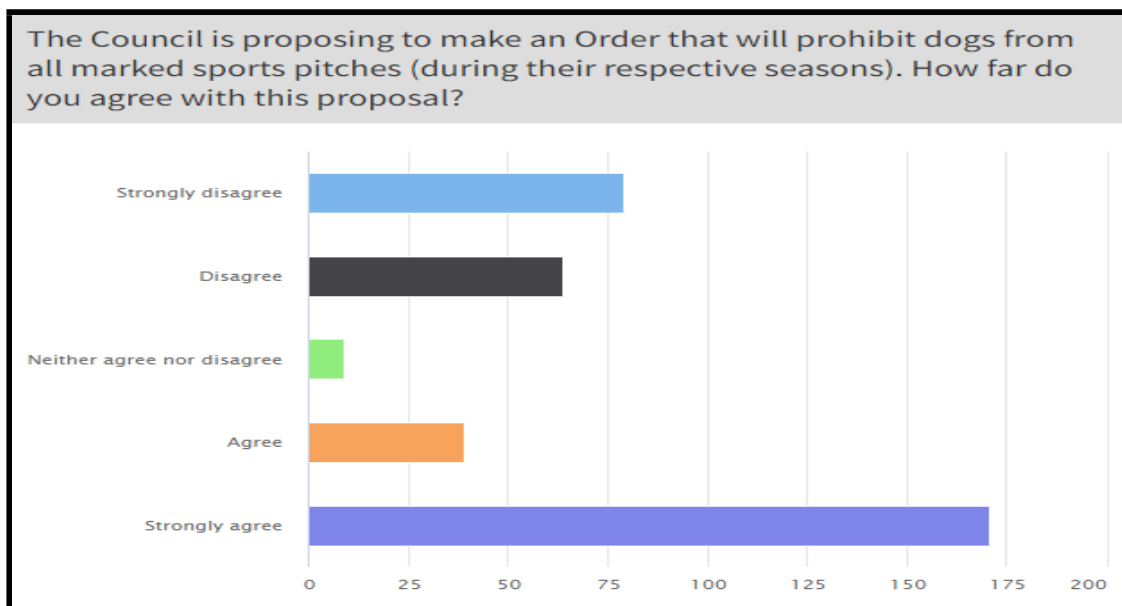
308 said yes, 51 said no

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.

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?'***

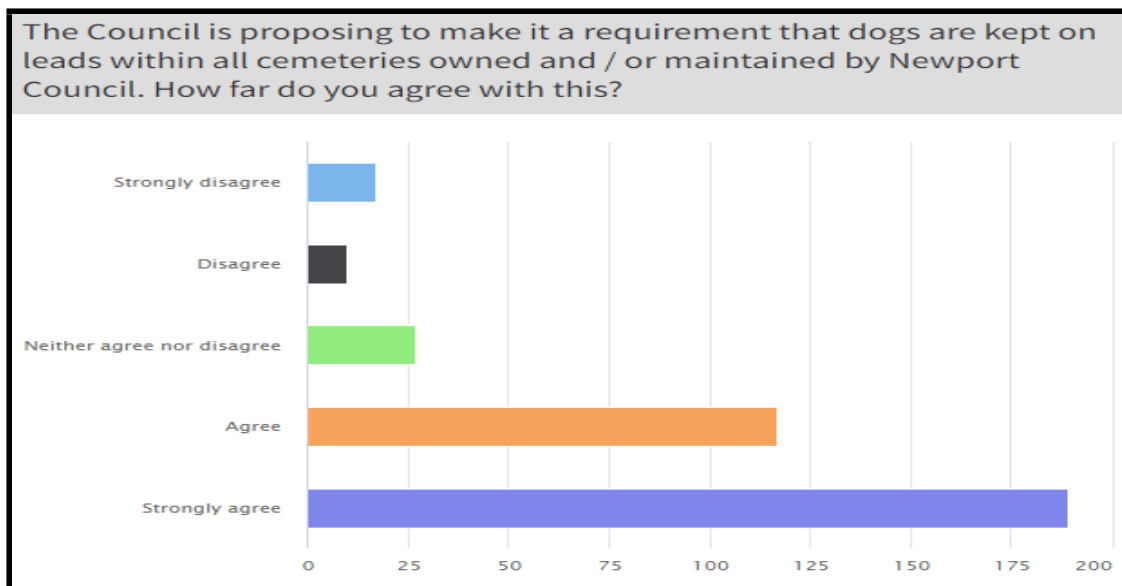


From reviewing this data we can see that just over one third of people disagreed with this proposal with over another third strongly agreeing that dogs should be prohibited from all marked sports pitches during the paying seasons.



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

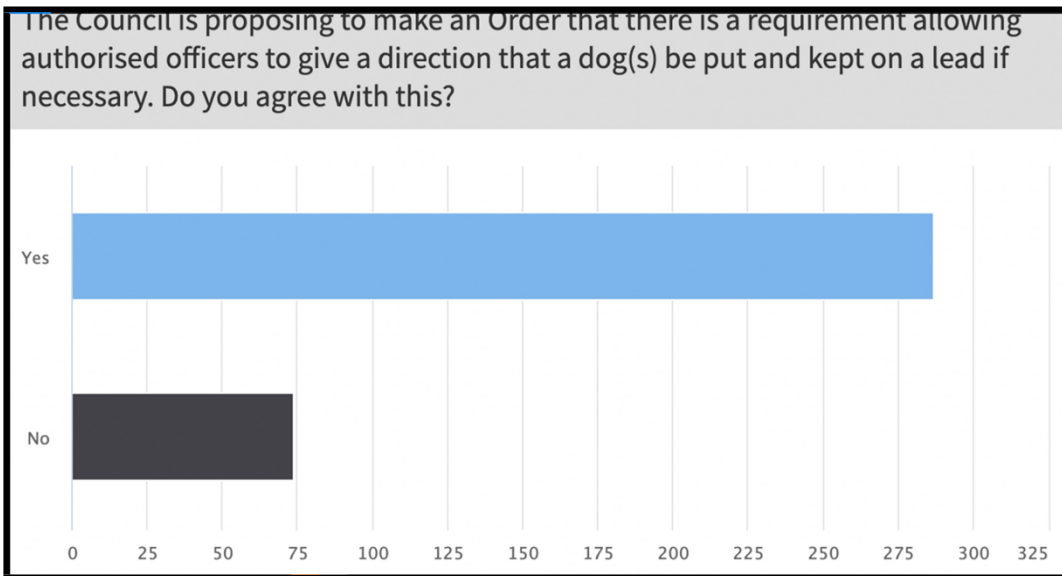
The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make it a requirement that dogs are kept on lead within all cemeteries owned and/or maintained by Newport Council. How far do you agree with this?'***



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.

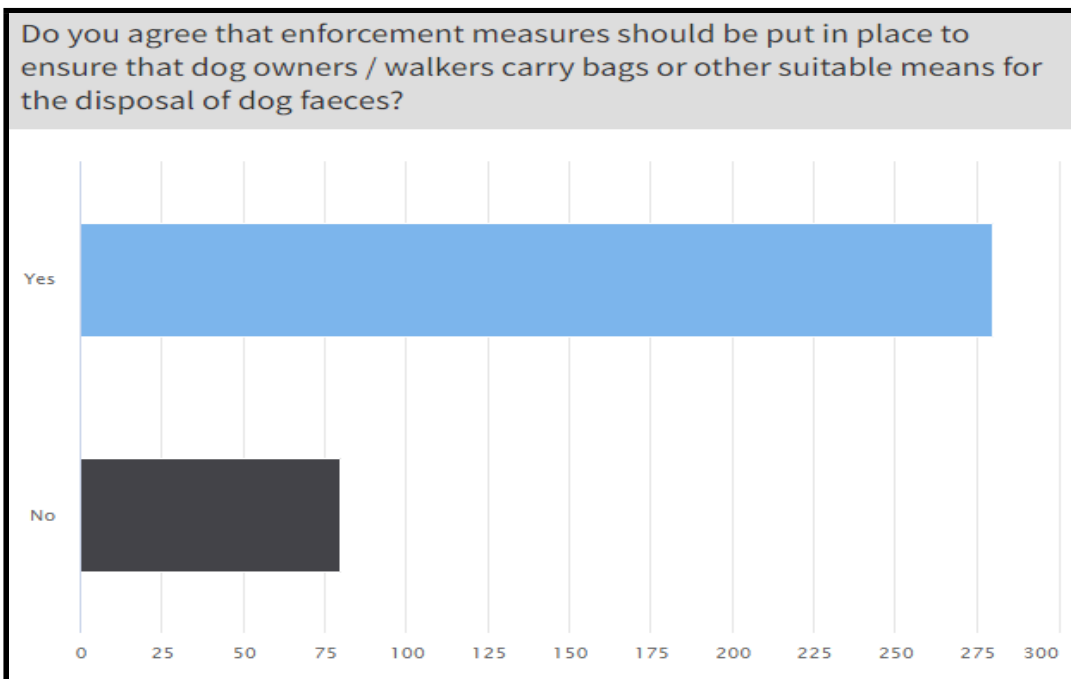
The graph below provides a breakdown on the feedback to the question, ***'The Council is proposing to make an Order that there is a requirement allowing authorised Officers to give a direction that a dog(s) be put and kept on a lead if necessary. Do you agree with this?'***

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

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

## **APPENDIX C (CONTINUED)**

### **Assessment of the Consultation responses**

#### **Responses Overall**

*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.*

*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*

- for the individual total for each survey question please see above:

#### **Responses to specific questions**

The responses were overall a positive in support for the restrictions contained in the Order. In particular for cleaning up after dogs, with 91% of respondents agreeing with this requirement.

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.

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.

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. This is also a measure which would be closely monitored over the next three years and potentially reviewed closely when The Order is remade.

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.

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.

We did not include 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 these were always supportive.

## APPENDIX D

### Summary of responses to the final section

The final section of the questionnaire was an open box that allowed respondents to provide any other comments. The comments 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*

## APPENDIX E

### Other consultation responses received



## THE KENNEL CLUB

### The Kennel Club's Response to Newport City Council Public Spaces Protection Order Consultation

*Submitted on 23<sup>rd</sup> November 2021 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)*

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs). We established KC Dog to campaign against unreasonable access restrictions for dog owners and to monitor emerging access-related issues.

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

#### Response to proposed measures

##### **Dog fouling**

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

##### **Means to pick up**

Whilst we support proactive efforts on behalf of local authorities to encourage responsible dog ownership, measures to require owners to pick up after their dogs must be fair and proportionate. We would not like to see responsible dog owners penalised unfairly.

The Kennel Club has concerns regarding the proposal to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets. However, if dog owners are approached at the end of a walk they may have already used the bags that they have taken out or given a spare bag to someone who has run out, for example. Such behaviour is encouraged by Green Dog Walker schemes.

## 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.