

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Wednesday, 10 March 2021</b>
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	<b>Public Space Protection Orders – Dog Controls</b>
Purpose of Report:	To agree the introduction of Public Space Protection Orders for dog controls to ensure public spaces remain safe environments.
Report Owner:	Cabinet Member for Neighbourhood Services and Transport
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	<p>As this is a Council wide matter no individual ward member consultation has been undertaken.</p> <p>Committee Reports - Legal Services  Cabinet Member - Neighbourhood Services and Transport  Head of Regeneration and Planning  Head of Shared Regulatory Services  Operational Manager - Regeneration  Operational Manager – Engineering  Operational Manager - Neighbourhood Services, Healthy Living and Performance  Enforcement Manager  Matthew Sewell - Accountant</p>
Policy Framework:	This is a matter for decision by Council
<p><b>Executive Summary:</b>  This report proposes the introduction of Public Space Protection Orders (PSPO's) under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, for the control of dogs. The introduction of a PSPO requires approval from Full Council.</p> <p>The proposal was considered by Cabinet on 18th March 2019 and was referred to the Environment and Regeneration Scrutiny Committee on 4th April 2019. The recommendations from that Scrutiny Committee were approved by Cabinet on 17th June 2019 and incorporated into the report.</p> <p>The proposals are based on the current Bye-law controls and have been amended so that they are largely in accordance with the results of the widespread public consultation exercise undertaken.</p>	

In summary dog bans will exist in all fenced children's play areas, ecological conservation areas and bowling greens all year round and will apply on a seasonal basis on beaches at Whitmore Bay, Dunraven Bay and Cwm Colhuw. Dog bans will no longer apply at the Cold Knap and Penarth Beach.

Dogs on leads controls will apply in parks where children's play areas are not fenced and, on the promenades, and Pier in Penarth and Whitmore Bay. Whilst Whitmore Bay beach will have a seasonal dog ban, Whitmore Bay Gardens/promenade area will require dogs to be on leads all year round.

There will be no additional restrictions introduced on sports pitches, but these will be covered by controls on dog faeces not being picked up. They are also likely to feature increased enforcement and greater partnership working between responsible dog owners and the Council, aimed at reducing dog fouling incidence in the future. Enforcement of the PSPO will be mainly undertaken by the Council's directly employed staff.

If Council decide to agree the Order, then they will remain in place for a period of up to 3 years from the date of its introduction.

Maps featuring full details of all the controls will be available on the Council's website and all locations will feature new clear signage explaining the locations of the controls and the implications for any infringements.

## Recommendations

1. That a Public Spaces Protection Order be made under s.59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) as shown in Appendix 1 to this report to restrict anti-social behaviour associated by irresponsible dog ownership.
2. That Council agree to the introduction of £100 fixed penalty notices under the Order to allow offenders to discharge their liability and avoid any potential prosecution.
3. That Council note the resolution by Cabinet on 17th June 2019 to accept the comments of the Scrutiny Committee (dated 4th April 2019) in relation to better engagement with members of the public.

## Reasons for Recommendations

1. To provide robust and effective means to control irresponsible dog ownership and to ensure safe and secure environments for its citizens and visitors.
2. To provide Officers with the authority to issue fixed penalty notices.
3. To ensure the Council fully considers all aspects of engagement for future related Orders.

## 1. Background

- 1.1 Cabinet on the 17th June 2019 agreed and recommended that Council consider for approval, the introduction of Public Spaces Protection Orders under the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) for Dog Controls as detailed in **Appendix A**, the Order. This report also included the comments of the Environmental and Regeneration Scrutiny Committee of 4th April 2019.
- 1.2 A full Council report was initially intended early 2020 to capture 3 full summer seasons of a new Order but due to Covid-19 the report did not progress during 2020.
- 1.3 The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) provides local authorities with a set of powers, including PSPOs, to prevent and reduce a range of anti-social behaviours and other issues in public spaces which have a negative or detrimental impact on the local community and the local community's quality of life.
- 1.4 The purpose of this PSPO is to assist the Council provide a proportionate and robust response to addressing areas of anti-social behaviour (ASB) specifically for the purpose of dog control[s].

- 1.5 As Spring approaches this now presents an opportunity to create an Order before the start of the next full spring/summer season and give the Council an opportunity to have robust measures in place for the next 3-years.
- 1.6 This proposal to create a PSPO Order under the Act, followed a 12-week consultation exercise that was considered as part of the Cabinet report.
- 1.7 In this case the areas identified for controls are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from uncontrolled dogs and free from dog fouling. In respect of this report it is proposed that these Orders relate to the control of dog fouling, dogs on leads and restricting dogs from certain areas.
- 1.8 The Council currently has limited powers for managing anti-social behaviour associated with dogs on public land as previous legislation such as Byelaws and the Dogs (Fouling of Land) Act 1996 have been superseded by PSPO's. Legislation exists, but offenders are not able to discharge their liability for the offence via a fixed penalty notice. In such cases the Council must progress each case via prosecution through the Courts which is not necessarily always practical.

## **2. Key Issues for Consideration**

- 2.1 As well as considering the views of the public consultation exercise undertaken, Council staff responsible for maintaining our parks and our communities have also expressed their frustration with irresponsible dog owners and claim that the problem with dog fouling is under reported to the Council.
- 2.2 The proposed Order includes 3 main restrictions and/or prohibitions and/or require the following activities in the areas listed in appendix one:
  - i) An owner and or a person in control of a dog must remove the dogs faeces from the land in accordance with the Public Spaces Protection Order. [Remove Dog Faeces]
  - ii) An owner and or a person in control of a dog must not permit a dog to enter a restricted area in accordance with the Public Spaces Protection Order including areas with seasonal restricted area between 1st May and 31st September [seasonal restrictions]. [Prohibition, Dog Ban]
  - iii) An owner and or a person in control of a dog must ensure that it is on a lead and they are in control of the dog in a restricted area in accordance with the Public Spaces Protection Order. [Dogs on leads].

- 2.3** The proposals are based on the current Byelaw controls and have been amended so that they are largely in accordance with the results of the widespread public consultation exercise undertaken.
- 2.4** In summary, dog bans will exist in all fenced children's play areas, ecological conservation areas and bowling greens all year round and will apply on a seasonal basis on beaches at Whitmore Bay, Dunraven Bay and Cwm Colhuw. Dog bans will no longer apply at the Cold Knap and Penarth Beach.
- 2.5** Dogs on leads controls will apply in parks where children's play areas are not fenced and, on the Pier, and Promenade in Penarth and on the Gardens and Promenade at Whitmore Bay.
- 2.6** There will be no additional restrictions introduced on sports pitches although all these will be covered by controls on dog faeces not being picked up. However, since the consultation, Officers have recommended that the first team pitches at Windmill Lane and Cogan Recreational Ground, which are fenced and gated are subject to dog bans. Additionally, the gated multi use sports pitches at Colcot Sports Centre is also included as a dog ban area. These have been included the same as gated Multi Use Games Areas under the proposed Order.
- 2.7** Sports pitches across the Council are likely to feature an increased enforcement presence and greater partnership working between responsible dog owners and the Council, aimed at reducing dog fouling incidence in the future.
- 2.8** Enforcement of the PSPO will be undertaken by the Council's directly employed staff and maps featuring full details of all the controls will be available on the Council's website and all locations will feature new clear signage explaining the locations of the controls and the implications for any infringements. There will be no enforcement until these are available.
- 2.9** If enforcement action is necessary, Council Officers will have the option of issuing a fixed penalty notice for any infringements. There is no statutory minimum value for fixed penalty notices under the Act and notices can be set up to £100 for an offence. The suggested fixed penalty notice value for these Orders is £100.
- 2.10** The PSPO would be introduced with a comprehensive media campaign aimed at improving the behaviour of irresponsible dog owners and reducing future incidence of anti-social behaviour.
- 2.11** A review of the effectiveness of the PSPO - Dog Controls will be undertaken within 12 months if the Order is approved by Council and reported thereafter to the Environment and Regeneration Scrutiny Committee.

- 2.12** If Council agree the Order, it will be effective for a period of 3-years and then expire. A further review and a new consultation will be required under the existing legislation before the expiry date and a further report presented, if the Order is to be renewed.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** Long term - the Orders will safeguard the Councils long-term strategic commitment to improving the environment and ensure it has robust measures to provide safe and secure environments for its citizens and visitors.
- 3.2** Integration - The introduction of new Orders demonstrates an integrated approach to robustly managing our Resorts, Town Centres and Open Spaces and demonstrates that the Council will not tolerate Anti-Social Behaviour in respect of dogs.
- 3.3** Involvement - By undertaking a comprehensive 12-week consultation process involving all our stakeholders it will ensure that citizens and visitors are engaged regarding the management of Resorts, Town Centres and Open Spaces in respect of Anti-Social Behaviour and the associated Order.
- 3.4** Collaboration - The proposals will involve working in collaboration with Town Councils, Community Councils, South Wales Police and Community Support Officers as well as other stakeholders such as the Dogs Trust, the RSPCA, the Kennel Club and other local dog representative groups.
- 3.5** Prevention - Consideration will need to be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring Authority.
- 3.6** By having an effective Order covering public places will help to prevent related Anti-Social Behaviour.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** All Order publications will be translated bilingually, and signs will be created in compliance with the Welsh Language Act 1993.
- 4.2** There will be an approximate cost of £2,500 to produce and install the signs and this will be funded from the relevant revenue budgets.

## **Legal (Including Equalities)**

- 4.3** The introduction of PSPO's for the purpose of dog controls will require approval from Full Council.
- 4.4** The legal authority to make, extend, vary or discharge a PSPO is set out in the Anti-social Behaviour, Crime and Policing Act 2014. The publication of a PSPO is as required by the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.
- 4.5** The legal test and the two conditions as detailed elsewhere in the report permits a Local Authority to make a PSPO where it is satisfied on reasonable grounds that the two conditions are met pursuant to section 59 (1) and (2) of the Act.
- 4.6** The test requires that the behaviour being restricted must:
- Be having, or likely to have, a detrimental effect on the quality of life of those in the locality; or
  - It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- The second condition is that;
- Is, or is likely to be, of a persistent or continuing nature,
  - Is, or is likely to be, such as to make the activities unreasonable, and
  - Justifies the restrictions imposed by the notice.
- 4.7** The making of a PSPO must be reasonable to prevent or reduce the detrimental effect of the problem behaviour, or reduce the detrimental effect continuing, occurring or reoccurring.
- 4.8** Necessary consultation must be carried out to include amongst other things a consideration of the scope of the Order, the areas covered, the impact of the proposals and an analysis of how restrictions meet the legal test.
- 4.9** An interested person may appeal to the High Court to question the validity of a PSPO, or a variation of an Order.
- 4.10** A Local Authority is required to have regard to specific restrictions which apply upon the making or variation of a PSPO as set out in 'the Act'.
- 4.11** An interested person may apply to the High Court to question the validity of a PSPO, or a variation of an Order.
- 4.12** An appeal must be made within the period of 6 weeks beginning with the date on which the Order or any variation is made.

- 4.13** A Local Authority is required to have regard to Articles 10 and 11 of the Human Rights Act 1998 regarding freedoms permitted of the freedom of expression and freedom of assembly and association.
- 4.14** A local Authority who is satisfied following a necessary consultation that it is reasonable to make, extend, vary, or discharge a PSPO is required to publish the text of it for any variation, and publish the proposal for any extension of it.

## **5. Background Papers**

- Environmental and Regeneration Committee – Public Space Protection Orders – Dog Controls of 4<sup>th</sup> April 2019.

[https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Scrutiny-ER/2019/19-04-04/Ref-Public-Spaces-Protection-Order-Dog-Controls.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Scrutiny-ER/2019/19-04-04/Ref-Public-Spaces-Protection-Order-Dog-Controls.pdf)

- Cabinet meeting of 17<sup>th</sup> June 2019 – Reference from Environmental and Regeneration Committee – Public Space Protection Orders – Dog Controls of 4<sup>th</sup> April 2019.

[https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Cabinet/2019/19-06-17/Ref-Public-Spaces-Protection-Orders-Dog-Controls.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2019/19-06-17/Ref-Public-Spaces-Protection-Orders-Dog-Controls.pdf)

- Local Government Association: Public Spaces Protection Orders - Guidance for Councils
- Home Office: Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for front line professionals, July 2014.



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## **VALE OF GLAMORGAN COUNCIL**

### **PUBLIC SPACE PROTECTION ORDER 2021**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

The Vale of Glamorgan Council (the Council) in exercise of its powers under Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into effect on 10<sup>th</sup> March 2021 and shall have an effect for 3 years thereafter, unless extended by further Orders under the Council's statutory powers.
2. This Order relates to the specified areas listed in the below Schedule.
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour relating to irresponsible dog ownership has been carried out within the specified areas. This behaviour has a detrimental effect on the quality of life of those in the locality, and it is likely that these activities will be carried out within that area and has such effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

#### **Restrictions**

1. The effect of this Order is to impose the following conditions on the Restricted Area:
  - 1.1 In the Restricted Area a person commits an offence if without reasonable excuse does not comply with the following requirements/prohibition and/or directions, namely;
    - 1.1.1 An owner and or a person in control of a dog must remove the dog's faeces from the land in accordance with the Public Spaces Protection Order.
    - 1.1.2 An owner and or a person in control of a dog must not permit a dog to enter a restricted area in accordance with the Public Spaces

Protection Order including areas with seasonal restricted area between 1st May and 31st September [seasonal restrictions].

- 1.1.3 An owner and or a person in control of a dog must ensure that it is on a lead and they are in control of the dog in a restricted area in accordance with the Public Spaces Protection Order.
2. An 'Authorised Officer' can be a Council employee, a person designated by the Council, a Police Officer or Police Community Support Officer who is authorised in writing by the Vale of Glamorgan Council for the purposes of giving directions under this Order.

### **Fixed Penalty Notice and Offences**

1. It is an offence for a person without reasonable excuse to engage in the activities restricted, prohibited or requirements in this Order.
2. In accordance with Section 67 of the Act, a person found to be in breach of the requirements /prohibitions or directions of this Order on summary conviction to a maximum penalty of a level 3 fine.
3. An authorised person may issue a Fixed Penalty Notice to the value of £100 to a person they have reasonable grounds to suspect has committed an offence.

### **SCHEDULE**

<b>Barry</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Alexandra Gardens	Tennis Court / Play Areas / Fitness Area		X
Bassett Park	Fenced Multi Use Game Area only	X	X
Batts Field	Play Area		X
Cadoc Green			X
Central Park	Play Area and Multi Use Game Area space	X	X
Cold Knap – Promenade, Gardens and former Lido	Skate park only	Around gardens and lake	X

Coronation Gardens			X
Upper Gladstone Gardens	Tennis Court / Play Area / Multi Use Games Area /		X
Lower Gladstone Gardens	Bowling Green / Fitness Area		X
Victoria Park	Play Area / Bowling Green / Games Area		X
Dobbins Road Park	Games Area	X	X
Maslin Park	Play Area		X
Peterswell Road Open Space	Play Area		X
Stringers Park	Play Area		X
Royal Gardens		X	X
Romilly Park	Tennis Court / Play Area, Bowling Green		X
Porthkerry Road Open Space	Play Area / Games Area		X
Pencoedtre Park	Splash Pad / Games Area / Play Area / Skate Park / Tiny Forest		X
Parade Gardens			X
St Lythan's	Play Area		X
Porthkerry Country Park	Play Area	Car Park, Café, Conservation Area.	X
Porthkerry Cemetery		X	X
Jenner Park	X		
Woodfield Heights Open Space			X

Davies Street Open Space			X
Amherst Crescent	Play Area	X	X
Belvedere Crescent	Play Area / Multi Use Games Area		X
Iolo Place Play Area	Play Area / Multi Use Games Area		X
Highlight Park	Play Area		X
Henry Street Play Area	Basketball Court		X
Hatch Quarry	X		x
Churchfield Open Space			X
Langlands Road Open Space			X
Meggitt Road Open Space	Play Area		X
Barry Sports Centre, Colcot Playing Fields	Fenced off sports facilities		X
Buttrills Playing Field			X
Merthyr Dyfan Rugby Ground			X
Smithies Field			X
Stream Field			X
Bendrick Road			X
Brenig Close	Play Area		X
Cardiff Road Triangle			X
Coigne Terrace	Play Area		X
George Street	Play Area		X
North Walk	Play Area		X

Spring Street			X
Civic Offices			X
Dryden Terrace	Play Area		X
Hwyel Crescent			X
Myrtle Grove			X
Treetops Open Space			X
Stratford Green			X
Monthmouth Way			X
Hunt Place, Hillary Rise			X
Aneurin Road			X
Clements Colley Walk & Nells Point Barry Island			X
Redbrink Crescent			X
Cold Knap Beach			X
Whitmore Bay Beach Area	1 <sup>st</sup> May – 30th Sept		X
Whitmore Bay Gardens / Promenade Area		X	X
Jacksons Bay & Footpath			X
Friars Point			X
Old Harbour			X
Millwood Bowling	X		X
Severn Avenue Marked Football Pitches			X

<b>Penarth</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Alexandra Park	Play Area		X
Belle Vue Park	Play Area including adjacent Fenced Off grasses area and bowling green.		X
Esplanade Gardens		X	X
The Kymin		X	X
Penarth Head Park			X
Plassey Square	Play area		X
Windsor Gardens			X
All Saints Church			X
Italian Gardens		X	X
Victoria Park			X
Cosmeston Lakes Country Park	Play area Conservation area	Boardwalk Car Park Medieval Village	X
Cliff Walk	Play area		X
Harbour View Pathway			X
Penarth Pier and Esplanade		X	X
Penarth Beach			X
Cogan Recreation Ground	Play area / Skate park / Fenced off first team pitch		X
Cwrt-y-vil Recreation Ground	Play area / Games area		X
Penarth Athletic Ground	Play area	X	X
Wordsworth Park	Play area		X
St Cyres Play Area	Play area		X
Golden Gate	Play Area		X
Paget Road	Play area/games area		X

<b>Cowbridge</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>

Aberthin Play Area (Downs View)		X	X
Bearfield	Games Area / Skate Park		X
Brookfield Park		X	X
Poplars Park			X
Millfield Drive	Play Area		X
Police Field Marked Rugby Pitches			X

<b>Sully</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Burnham Avenue Sports Ground	Bowling Green / Play Area		X
Elworth Close Play Area	X		X

<b>Dinas Powys</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Caerleon Road Open Space			X
Dinas Powys Common			X
Parc Bryn-y-don	Skate Park		X
Cae'r Odyn Play Area			X
Drylla Play Area	X		
Nightingale Place Play Area			X
Seel Park Play Area	X		X

George's Row	Play Area		X
Murch Playing Field	Games Area / Play Area / Bowling Green		X

<b>Rhose</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Celtic Way Leisure Park	Bowling Green / Play Area		X
Ceri Road Recreation Ground	Play Area / Skate Park		X
Milburn Park		X	X
Nurston Close Open Space	X		X
Smeaton Close Open Space	Play Area	X	X
Stewart Road	Play Area		X
<b>Llandough</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Cogan Pill Play Area		X	X
King George V Playing Field	Tennis Courts/ Multi Use Games Area / New Fenced Play Area		X

<b>Wenvoe</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
The Grange	Play Area		X
Station Road	Tennis Court / Games Area		X

<b>Llantwit Major</b>			
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<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Trebefered Play Area	Play Area	X	X
Cwm Colhuw	Beach Ban 1 <sup>st</sup> May – 30 <sup>th</sup> September		X
Windmill Lane Playing Fields	Skate Park / Fenced off first team pitch / Play Area / Scansis five a side football play area		X
Bedford Rise		X	X
Dyfrig / Seys Court	Play Area		X

<b>Other Area</b>			
<b>Area</b>	<b>Prohibition (Ban)</b>	<b>Dogs on Leads</b>	<b>Remove Dog Faeces</b>
Llangan Fferm Goch	Play Area		X
St Athans Playing Fields	Play Area / Multi Use Games Area / Skate Park		X
Treoes Nant Caura	Play Area		X
Llanmaes Old Mill		X	X
Welsh St Donats Community Centre			X
Ystradowen Parc Owain	Multi Use Games Area / Play Area		X
Craig Penllyn			X
Leckwith The Green			X

Llysworney Play Area	X		x
Dunraven Bay Southerndown	X 1 <sup>st</sup> May – 30 <sup>th</sup> Sept		X
Corntown Recreational Ground			X
St Brides Recreational Ground			X
Wick Village Green			X
Wick Recreational Ground	Multi Use Games Area		X