

# Y BWRDD GWEITHREDOL

## 7 MAWRTH 2016

### Gorchymyn Gwarchod Mannau Cyhoeddus (Rheolaethau Cŵn Sir Gaerfyrddin)

#### Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

- Ystyried ymatebion yr Ymgynghoriad Cyhoeddus ffurfiol.
- Cymeradwyo'r Gorchymyn Gwarchod Mannau Cyhoeddus sydd ynghlwm wrth yr adroddiad manwl (Atodiad 1) ac iddo ddod i rym ar 1 Gorffennaf 2016.
- Cymeradwyo cosb benodedig o £100 fydd yn berthnasol i dorri amodau'r Gorchymyn Gwarchod Mannau Cyhoeddus, i'w thalu cyn pen 14 diwrnod (yn amodol ar y cynllun ad-dalu'n gynnar);
- Cymeradwyo cynllun ad-dalu'n gynnar lle y gellir talu cosb benodedig lai o £50 os gwneir y taliad cyn pen 10 niwrnod.

#### Y Rhesymau:.

Diben yr adroddiad hwn yw cymeradwyo creu Gorchymyn Gwarchod Mannau Cyhoeddus, o dan Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014.

Mae gan y Gorchymyn arfaethedig 3 brif elfen:-

- Gofyniad bod pobl yn codi baw eu ci os yw'n baeddu ar dir cyhoeddus. Bydd hyn yn berthnasol i bob tir y mae'r cyhoedd yn cael mynediad iddo yn y Sir.
- Darpariaeth sy'n mynnu bod pobl yn cadw eu ci ar dennyn nad yw'n hwy na 2 fetr pan roddir cyfarwyddyd iddynt wneud hynny gan swyddog awdurdodedig y Cyngor. Bydd hyn yn berthnasol ar bob tir y mae'r cyhoedd yn cael mynediad iddo yn y Sir.
- Darpariaeth sy'n gwahardd cŵn o'r holl lecynnau chwarae awyr agored caeëdig i blant yn y Sir.

Dangosodd ymatebion yr ymgynghoriad gefnogaeth sylweddol gan y cyhoedd i'r rheolaethau ychwanegol hyn.

Pan fydd yn dod i rym, bydd y Gorchymyn newydd yn disodli'r rheolaethau presennol o ran cŵn yn baeddu a bennwyd o dan Ddeddf Cŵn (Baeddu Tir) 1996.

Ymgynghorwyd yn wreiddiol â'r Pwyllgor Craffu – Diogelu'r Cyhoedd a'r Amgylchedd ar 8 Mehefin 2015 ynghylch y Gorchymyn Gwarchod Mannau Cyhoeddus arfaethedig a nodwyd yn yr adroddiad hwn a gwnaed argymhellion i'r Bwrdd Gweithredol.

Ar 13 Gorffennaf 2015, penderfynodd y Bwrdd Gweithredol ddechrau ar y broses gwneud gorchymynion statudol mewn perthynas â'r Gorchymyn Gwarchod Mannau Cyhoeddus arfaethedig, yn amodol ar ymgynghoriad ffurfiol. Yn ogystal, penderfynodd y Bwrdd Gweithredol y dylid ystyried y gorchymynion ychwanegol a gynigiwyd gan Bwyllgor Craffu - Diogelu'r Cyhoedd a'r Amgylchedd (fel y nodwyd isod) ymhen 6 mis yn dilyn cyflwyno'r Gorchymyn Gwarchod Mannau Cyhoeddus fel a ganlyn:

- Gorchymyn i gadw cŵn ar dennyn bob amser ym mhob cae chwarae, parc a lle chwarae.
- Gorchymyn i gadw cŵn ar dennyn bob amser ar bob priffordd gyhoeddus.

**Y Pwyllgor Craffu:** Does dim gofyniad am ymgynghoriad pellach â Phwyllgor Craffu – Diogelu'r Cyhoedd a'r Amgylchedd gan nid yw canlyniadau'r ymgynghoriad cyhoeddus wedi newid yr argymhellion yn sylweddol.

Angen i'r Bwrdd Gweithredol wneud penderfyniad OES – 21ain Mawrth 2016

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y  
Cynghorydd T J Jones

**Y Gyfarwyddiaeth:**

**Adran yr Amgylchedd**

**Yr Is-adran Gwasanaethau  
Stryd**

**Awdur yr Adroddiad:**

**Michael Roberts**

Awdur yr Adroddiad: Michael  
Roberts

Swyddi:

Amherthnasol

Swyddog Polisi a Strategaeth  
Gorfodi Materion  
Amgylcheddol

Est 5506

Cyfeiriadau E-bost:

MJRoberts@sirgar.gov.uk

## EXECUTIVE SUMMARY

### 1 INTRODUCTION

1.1 The issue of Dog Control Orders across Carmarthenshire has been considered at a number of meetings of the Executive Board. Proposals were previously considered under the provisions of the Clean Neighbourhoods Act 2005

1.2 The Dog Control Order provisions in the Clean Neighbourhoods Act 2005 have now been repealed and replaced with the new powers in the Anti-Social Behaviour, Crime and Policing Act 2014. The new act gives authorities power to deal with anti-social behaviour by issuing offenders with Community Protection Notices, or by making Public Spaces Protection Orders that apply to public spaces.

### 2 THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

2.1 The new legislation came in to force in October 2014. This means that we are no longer able to make any new dog control orders under the old legislation.

2.2 Under the Anti-Social Behaviour, Crime and Policing Act 2014 local authorities are able to introduce Public Spaces Protection Orders (PSPOs) instead. These new PSPOs can be used to introduce controls on dogs, as well as wider controls to deal with wider forms of anti-social behaviour on public land.

2.3 At the Executive Board meeting on 13th July 2015, it was resolved to progress with a consultation exercise as part of the formal order making process.

2.4 The proposed order has 3 main elements:-

- A requirement that people cleanup after their dog if it defecates on public land. This will apply to all publicly accessible land in the County.
- A provision requiring people to place their dog on a lead of not more than 2 metres in length, when directed to do so by an authorised officer of the Council. This will also apply on all publicly accessible land in the County.
- A provision prohibiting dogs from all outdoor enclosed children's play areas in the County.

#### Penalties

2.5 A person committing an offence under the order will be liable upon prosecution to a fine not exceeding level 3 on the Standard scale (currently £1,000).

2.6 Alternatively, a Fixed Penalty Notice may be issued to a person who breaches the order,

thereby affording them the opportunity of discharging any liability to conviction for the offence by means of payment of a fixed penalty.

### 3. RESULTS OF CONSULTATION UNDERTAKEN

3.1 The Council consulted the general public and interested organisations from the 19th October to 14th December 2015.

3.2 The Council received 476 responses to this consultation and the vast majority of the respondents were in support of the authority's proposals. It was pleasing to note that 56% of the respondents were dog owners. The results are broadly summarised as follows:

- 98% of respondents either agreeing or strongly agreeing with the proposal for an Order to ensure dog owners clear up after their dogs.
- 89% of the respondents either agreeing or strongly agreeing with the proposal for the introduction of an order to direct the use of leads.
- 87% of the respondents either agreeing or strongly agreeing with the proposal for the introduction of an order to exclude dogs from all outdoor enclosed children's play areas within the county.

### 4. TIMETABLE FOR IMPLEMENTATION

- The Order will need to be published on the Council's Website prior to implementation.
- Existing dog fouling signage will need to be removed and new dog fouling signage will need to be erected across the County.
- Prior to implementation we will undertake a program of education and awareness, to ensure that people are aware of the new orders.
- A three month lead-in period is required to give officers time to identify and inspect the children's play areas covered by the order and to erect the necessary signs.
- The new orders should come in to force on the 1st July 2016 at the earliest. In the meantime, we will still be able to continue enforcing the Dogs (Fouling of Land) Act 1996.
- The proposed PSPO will remain in force for a period of 3 years from the commencement date and will be subsequently reviewed.

## 5. RECOMMENDATIONS

### 5.1 It is recommended that:-

- The responses from the formal public consultation exercise be considered.
- The Public Spaces Protection Order annexed to the detailed report (Appendix 1) is adopted and brought into force on the 1st July 2016 at the earliest.
- To approve a fixed penalty of £100 to apply to breaches of the Public Spaces Protection Order, to be paid within 14 days (subject to the early repayment scheme);
- To approve an early repayment scheme where a reduced fixed penalty of £50 can be paid, if payment is made within 10 days.

DETAILED REPORT ATTACHED ?	YES
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: A Williams Street Care Manager

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities.

This matter falls within Community Safety and Public Health Policies and Initiatives. These proposals will support the Council's aims with regard to reducing environmental Crime and Safeguarding Public Health.

An Equality Impact Assessment in respect of the proposal is attached to the detailed report (Appendix 4).

## 2. Legal

Introduction of the PSPO (Dog Control Orders) is not a legal duty. However, there may be benefits from introducing the recommended orders, and this would be done in compliance with all the relevant legislation and in consultation with the Council's Legal Services Department.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: A Williams

Street Care Manager

## 1. Scrutiny Committee

The Environmental and Public Protection Scrutiny Committee was consulted on the 8<sup>th</sup> June 2015 with respect to the PSPO proposal set out in this report. It was recommended that the Executive Board to commence the order making process, which includes a formal consultation exercise that has now been completed.

### Recommendations / Comments:

The original recommendation by Scrutiny Committee also requested that the Executive Board, consider the following additional aspects:

- An order for dogs to be kept on leads at all times on all sports pitches, parks and playgrounds
- An order for dogs to be kept on leads at all times on all public highways.

On 13<sup>th</sup> July 2015 the Executive Board resolved to commence the statutory order making process in respect of the proposed PSPO, subject to formal consultation: They also resolved that that the additional orders proposed by the Environmental and Public Protection Scrutiny Committee be considered 6 months after introduction of the currently proposed PSPO.

**2. Local Member(s)** - N/A; affects whole Authority area.

**3. Community / Town Council – N/A; all Town / Community Council affected and included as part of consultation exercise.**

**4. Relevant Partners** - Dyfed Powys Police Authority, Kennel Club, Dog's Trust, Local Access Groups, Neighbouring local authorities and other key stakeholders.

**5. Staff Side Representatives and other Organisations** - N/A

## Section 100D Local Government Act, 1972 – Access to Information

### List of Background Papers used in the preparation of this report:

#### THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals	Home Office	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf</a>
2014 DEFRA Dealing Practitioner's Manual on dealing with irresponsible dog ownership	DEFRA	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf</a>
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	Legislation.gov.uk	<a href="http://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf">http://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf</a>
Anti – Social Behaviour, Crime and Policing Act 2014. Commencement dates of the provisions of the Act.	Home Office	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365417/asbcp-act-2014.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365417/asbcp-act-2014.pdf</a>
The Dog's Trust – Being a Good Dog Owner	Dog's trust Website	<a href="http://www.dogstrust.org.uk/resources/resources/factsheets09/factsheetresponsibledogownership12.pdf">http://www.dogstrust.org.uk/resources/resources/factsheets09/factsheetresponsibledogownership12.pdf</a>
The Kennel Club - Responsible Dog Ownership	The Kennel Club Website	<a href="http://www.thekennelclub.org.uk/responsibledogownership">http://www.thekennelclub.org.uk/responsibledogownership</a>