

CARMARTHENSHIRE COUNTY COUNCIL



Public Spaces Protection Orders (PSPOs): CONSULTATION REPORT

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CARMARTHENSHIRE COUNTY COUNCIL

Public Spaces Protection Orders CONSULTATION

INTRODUCTION & CONTEXT

New powers are available to local authorities under the Anti-social, Crime and Policing Act 2014 to tackle irresponsible dog ownership.

Some replace existing powers while others are new. All are designed to give greater flexibility in tackling irresponsible dog owners and incidents involving dogs.

Public Spaces Protection Orders (PSPOs) will replace and allow for similar restrictions as Dog Control Orders; for example, they can be used to exclude dogs from certain areas or require dogs to be on leads.

Initial consultation was undertaken from March to May 2015,¹ and following discussion, the Council began developing an approach which would involve the consistent application of a PSPO across designated areas of Carmarthenshire. This forms the basis of this consultation.

1) OUTLINE OF APPROACH AND CONSULTATION METHODS

The consultation focused on gathering views on the proposal to introduce PSPOs, as outlined above.

Publicity

The consultation was publicised through the Council's press office and included: press releases, information on the Council's website and social media feeds. Radio adverts were taken out on both Carmarthenshire and Scarlet FM.

Survey

An on-line survey was made available through Carmarthenshire County Council's iLocal website. Links to the survey were circulated to members of the Citizens Panel, Equality Carmarthenshire, Disability Coalition, tenant networks, Youth Council, 50+ Forum, county councillors, town and community councils. Direct approaches were also made to: all County Councillors; Town & Community Councils; AM's; MP's; The Police & Crime Commissioner; Chief Constable; together with key organisations such as: the Kennel Club; Dogs Trust; Countryside alliance; Carmarthenshire Access forum; and ramblers associations.

A total of 474 survey responses were received from a wide section of the community. Of those 458 who answered the question, 419 (92%) responses were from

¹ 619 responses

individuals,² 23 from town or community councils (T&CCs),³ and 16 from other organisations.⁴

Other

A representation was received from the Kennel Club.

The public consultation phase ran from 19th October to 14th December 2015.

2) KEY FINDINGS FROM THE SURVEY

The section is structured by considering each survey question in turn. Mention will be made of the views of different categories of respondent, to enable comparisons to be made. At the end of the section, general comments from the consultation will be considered, whether these have arisen through survey submission, or letter or email submissions.

The survey covered the following parts of the proposed Order:

- **Dog fouling:** clearing up requirement
- **Dogs on lead** under direction of an authorised officer
- **Dog exclusion** from all outdoor enclosed play areas (subject to exceptions)

About the Average Index Score (AIS)

Sometimes known as a 'weighted average', the AIS is a way of distilling the 'balance and strength of opinion' down into one number. Useful for questions with options to 'strongly agree', 'disagree', etc., the technique is used throughout the report. Values range from 2 (*everyone* strongly agrees) to minus 2 (*everyone* strongly disagrees).

Example

10 people are asked whether they 'strongly agree', 'agree', 'have no opinion', 'disagree' or 'strongly disagree' that Wales will win the six nations.

Results...

3 strongly agree (each response worth 2, so=6)

² The demographic profile of respondents is as follows. Ethnicity: 91% described as white, 2% other ethnicities and 7% preferring not to say (PNTS). Age: 1% were under 25, 11% were 25-34, 25% 35-44, 28% 45-54, 21% 55-64, 14% 65-74, with 2% 75 or over. Gender: 62% female, 35% male, 3% PNTS. Relationship status: the largest categories were: married 59%, single 12% and PNTS 7%. Disability: 6% yes, 89% no, with 5% PNTS. Religion or belief: 37% held a religion or belief (Christian was the largest response category), 46% did not and 17% PNTS. Sexual orientation: 81% heterosexual, 5% lesbian, gay or bisexual, with 14% PNTS.

³ Betws Community Council, Llangunnor Community Council, Llandyfaelog Community Council, Carmarthen Town Council, Llanelli Town Council, Cenarth Community Council, Laugharne Township Community Council, Llandovery Town Council, Llangennech, Talley Community Council, Llanllwni Community Council, Manordeilo and Salem Community Council, Llanelli Rural Council, Kidwelly, Pendine Community Council, St Clears Town Council, Abergwili CC, Quarter Bach Community Council, Cyngor Cymuned Llanfihangel ar arth, Llanpumsaint, Cyngor Cymuned Llanfihangel Ar Arth.

⁴ Open Spaces Society, Furnace United RFC, Ysgol Bro Banw, Laugharne Tenants & Residents, Clwb Rygbi Pantyffynnon, Llandybie rfc, Cefneithin welfare association, Tycroes RFC junior section, Laugharne Festival Committee (Cors Playing Field), Carmarthenshire Local Access Forum, Great Dane Care Charitable Trust, Jonathan Tudor, Countryside Access Manager, Carmarthenshire County Council, Farmers Union of Wales (FUW), The Kennel Club, Betws Commoners Association, Ysgol Gynradd

- 3 agree (each response worth 1, so=3)
- 1 no opinion (each response worth 0, so=0)
- 1 disagree (each response worth -1, so= -1)
- 2 strongly disagree (each response worth -2, so=-4)

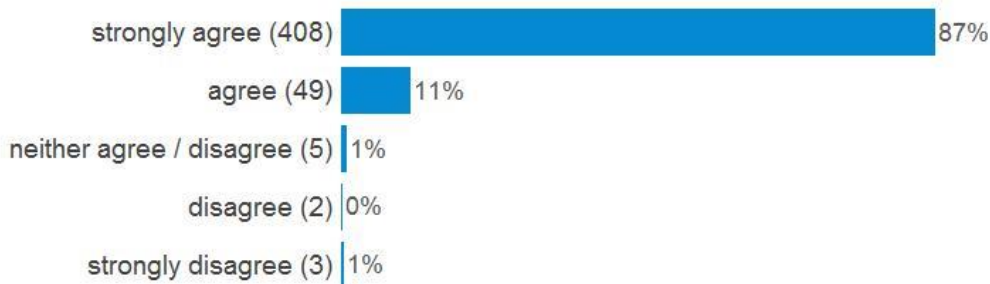
The AIS is calculated by adding all the numbers in bold:

So, $6+3+0-1-4=4$;

Then dividing by the number of responses (10 in this case). The average index score is: $4 \div 10 = \mathbf{0.4}$

Following a series of demographic profiling questions, respondents were asked whether they were **dog owners**. The majority (56%) were. Respondents were further asked whether they were a **parent**. Again, the majority - 75% - were.

The survey then asked respondents to state how far they agreed with the following proposal: ‘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’. The result is shown below:



There is near-unanimous support for an Order to ensure dog owners clear up after their dog. The tables below show an AIS of 1.84 overall (strongly positive), and strong support from all respondent categories.

	ALL	Individual	T&CC	Other org	F	M	Disabled	Dog - yes	Dog - no	Parent - yes	Parent - no
AIS	1.84	1.83	1.87	1.94	1.86	1.76	1.74	1.78	1.90	1.85	1.78
Base	467	416	23	16	254	144	23	260	202	342	116

	ALL	16 - 24	25 - 34	35 - 44	45 - 54	55 - 64	65 - 74	75 - 84	85+
AIS	1.84	2.0	1.84	1.81	1.76	1.89	1.86	2	2
Base	467	3	43	99	115	84	57	3	2

It is perhaps notable that the result for the ‘other organisations’ category is more strongly in favour, at 1.94. This result may reflect the fact that a number of responses were received from sports clubs and playing field associations. Non-dog

owners were also more strongly in favour (1.90) than the overall result for respondents in general.

There followed an opportunity for respondents to make any additional comments.⁵: 176 responses were made and the following summarises the issues that arose.

40 comments related to the theme of owners having a responsibility to clear up after their dogs:

Comment	Response
A very widely held view that all dog owners should clear up after their dogs. Could a code of practice be developed?	<i>We will consider a "Code of Practice".</i>
Irresponsible owners give other dog owners a 'bad name'.	<i>Comment Noted : No further response required.</i>
Offenders often do so early or late in the day when less people are around.	<i>This will be taken into account when planning our enforcement activities.</i>
Not clearing up is worst for 'latch door' dogs and, more generally, where dogs are let off their lead.	<i>The dog fouling provision of the order will apply to latch key / stray dogs and dogs off and on lead. The council will also consider using Community Protection Notices to deal with persistent issues relating to latch key / straying dogs.</i>
The need for meaningful sanctions: very significant fines; being 'named and shamed' in the local paper; and offending owners being put on poop scoop 'community service'.	<p><i>The maximum fine and fixed penalty are set by government. The maximum fine for dog fouling is £1000 and the maximum level for a fixed penalty notice is £100.</i></p> <p><i>Where offenders have accepted a Fixed Penalty Notice, the authority is unable to publish their details. Where offenders have been successfully prosecuted through the magistrates' court their details are disclosed to the press.</i></p> <p><i>It would be costly and resource intensive for the local authority to offer restorative work as an alternative to a fixed penalty notice.</i></p>
Public education to inform about responsible dog ownership; work with dog owners who do clear up after their dogs to promote clearing up.	<i>The council also conducts various education and awareness events i.e. road shows, college and school programmes, liaising community</i>

⁵ Respondents' comments may fall under more than one theme. Aggregation of individual counts may therefore exceed this number. This applies equally to treatment of the other qualitative questions.

Comment	Response
	<p><i>groups and media press releases.</i></p> <p><i>The authority's enforcement officers currently engages with dog owners whilst on patrol.</i></p>

26 comments were made on the specific matter of waste bins:

Comment	Response
Distribution of bins inadequate in particular locations.	<i>We will review the number of bins within the County.</i>
Bins not emptied frequently enough.	<i>We will review the frequency of emptying.</i>
The need to raise public awareness that bagged dog foul can be put in normal bins.	<p><i>The council also conducts various education and awareness events i.e. road shows, college and school programmes, liaising with community groups and media press releases.</i></p> <p><i>The order makes it clear that dog mess can be placed in normal litter bins. Our website will make this clear. The authority currently places signs on bins to inform dog owners of this.</i></p>

On a closely related matter, 11 comments were made about inappropriate disposal of bagged dog foul:

Comment	Response
Bagged waste is frequently thrown into bushes, left hanging on fences or left by benches.	<i>This is already a criminal offence. Litter fixed penalty notices are issued to those who deposit / drop or throw down bags of faeces.</i>
The Order should include the need to properly dispose of collected dog fouling.	<i>It's unnecessary to include something in the order relating to the disposal of bags as throwing bags in to trees or hedges is already a criminal offence.</i>

2 Comments were made suggested that the authority provide poo bags for dog walkers.

Comment	Response
Could the council supply bags that would be available near the bins or in popular dog walking areas.	<i>The authority has previously supplied bag dispensers in key areas around the county, however these facilities have been abused and subsequently withdrawn</i>

25 comments were made on the subject of enforcement:

Comment	Response
Concerns about the capacity of the Council to enforce the Order.	<i>It will be enforced by authorised officers of Carmarthenshire County Council the authority will review the resources available to enforce the new orders.</i>
The need for Police and PCSOs to also take enforcement action.	<i>This will be discussed with Dyfed Powys Police.</i>
The use of fines to support the employment of more enforcement officers.	<i>We will review the resources available to enforce the order.</i>
Offenders evade fines by doing so when enforcement officers are not working.	<i>This will be taken into account when planning our enforcement activities.</i>
All recreational land could be designated as 'dog free' between April to September.	<i>Due to animal welfare issues it would be inappropriate to exclude dogs from all land used for recreational purposes. If the existing proposals do not address the problem of fouling on recreational land, we will consider using Community Protection Notices to exclude persistent offenders from these areas. We may also consider further site specific PSPO's to address the problem.</i>
The need for greater penalties and public 'naming and shaming'.	<i>We will take this into consideration on reviewing the fixed penalty notices. Where offenders have accepted a Fixed Penalty Notice, the authority is unable to publish their details. Where offenders have been successfully prosecuted through the magistrates' court their details are disclosed to the press.</i>
A 'zero-tolerance' approach when enforcing.	<i>The authority will adopt a strict approach to enforcement and will endeavour to ensure consistency. However, each incident will be assessed on its own merit and officers do have discretion on the appropriate enforcement action to be taken. Officers will be expected to use common sense.</i>
The use of DNA testing and a DNA database to identify offending cases,	<i>We do not think a DNA database will assist with enforcement activities, as</i>

Comment	Response
funded by a dog licence.	<i>dog owners do not have to provide DNA samples for the database. It is likely that only responsible dog owners would do so.</i>

14 comments related to circumstances where the requirement to clear up should not apply:

Comment	Response
Where a dog is off the lead, the owner should only be obliged to make reasonable attempt to locate and clear up the mess. The location may not be known precisely or it may be physically inaccessible.	<i>The onus is on the person in charge of the dog to watch their dog at all times and ensure they clean up after their dog. Officers will use discretion and common sense if there are good reasons why an individual cannot comply with the order.</i>
If dogs are trained to defecate off paths, roads, pavements etc and it is not accessible to children, e.g. in a hedge, in scrub etc then I think it is reasonable for the person responsible to leave it where it is.	<i>Members of Public can come into contact with dog faeces in these areas. For this reason the orders should apply to these areas. It is not feasible to limit the dog fouling provision in the order to areas that children access.</i>
If in woodland and the dog fouls in a thicket of brambles or patch of ground that is not easily accessible to get to then this is not really practical to remove it	<i>Under the order a person has a defence to prosecution if they have a reasonable excuse to failing to clear up after their dog. If a dog defecates in an inaccessible location they may therefore have a defence. Officers will use discretion and common sense if there are good reasons why an individual cannot comply with the order.</i>
Have designated 'allowed areas' where foul doesn't need to be cleared up. Clearly sign to help ensure people, particularly children, avoid the areas.	<i>Members of public can come into contact with dog faeces in these areas. For this reason the orders should apply there. It is not feasible to limit the dog fouling provision in the order to areas that children access.</i>
Some public land is very rarely accessed by people so fouling wont hinder human use of the land. So dog fouling will do fauna and flora good, and is better than gathering in plastic bags for landfill.	<i>It is not feasible to exclude areas rarely accessed by people. To identify these areas and draft an order in those terms would be very difficult.</i>

11 comments were made with direct reference to public health concerns:

Comment	Response
Dog foul is a health hazard. It is also highly disgusting on shoes, pushchair wheels etc.	<i>The council recognises the health issues concerning Toxicarra and the nuisance of dog fouling</i>
As I work with Visually Impaired people I have major concerns about dog fouling in public places. Dog fouling can cause blindness in young children and adults.	<i>The council recognises the health issues concerning Toxicarra.</i>

7 comments referred to dog owners having the necessary equipment to clear up after their dogs.

Comment	Response
Many thought that a fine would be appropriate for those not having the facility to clear up after their dog.	<i>We do not believe that it is necessary to impose such a restriction, but will keep this issue under review.</i>

6 comments were made referencing other types of fouling

Comment	Response
The need to clear up after cats, guide dogs, horses, people and wild animals.	<p><i>Cats are essentially a straying animal and we cannot expect their owner to follow their cat at all times and clear up after it.</i></p> <p><i>The order will not apply to the individuals that have a serious sight impairment that restricts them from seeing their dog defecating.</i></p> <p><i>We receive fewer complaints about horse muck than dogs mess. As horses are herbivores, their faeces is less harmful than dog faeces. It also may not be safe for a horse rider to dismount and clear up after their horse immediately. For these reasons, we do not feel that it is necessary or appropriate to extend this control to horses at this time.</i></p> <p><i>Other statutory powers can be used to deal with Human Defecation.</i></p> <p><i>We cannot see how these orders can be used for wild animals.</i></p>

5 responses were made commenting on the proposed exemptions⁶ within the draft Order:

Comment	Response
The Order should apply to all dog owners, including wheelchair users and blind or visually impaired people, given the public health implications of the dog foul will be the same irrespective.	<i>When exercising our functions, we must have regard to the public sector equality duty in section 149 of the Equality Act 2010. We must consider the need to eliminate disability discrimination and to advance equality of opportunity. We do not believe that it is appropriate to take enforcement action against people who are unable to comply with the order for reasons that are related to a disability. We could be acting unlawfully if we were to do so. It could also discourage disabled people from owning a dog or properly exercising their dogs.</i>
A belief that it is right for people who are not physically able, and assistance and working dogs, to be exempted.	<i>We do not believe that it is appropriate to take enforcement action against people who are unable to comply with the order for reasons that are related to a disability.</i> <i>DEFRA guidance states that PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO.</i>
Comments that hunting dogs should not be exempt, given they are not 'working' and because in a pack, can create a lot of foul.	<i>DEFRA guidance states that PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO. We believe this includes packs of hounds used for hunting.</i>
Can privately owned open plan gardens be covered?	<i>The Order applies to all land that is open and accessible to members of the public. This includes privately owned land unless the person that controls the land decides otherwise.</i>

4 comments suggested that there was an increased prevalence of dog fouling.

Comment	Response
Dog fouling is increasing.	<i>The new orders will enable the authority to</i>

⁶ The draft dog fouling provisions are not intended to apply to some categories of disabled people, where sight impairments or other disability prevents them from being able to clean up after their dogs.

	<i>deal with this issue.</i>
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13 miscellaneous comments were made:

Comment	Response
Many people thought it was already the case that foul must be cleared up.	<i>Currently, people are only required to clean up after their dog in some areas. The new orders will extend the requirement to all public places within Carmarthenshire.</i>

Town and community council (T&CC) responses (5).

All the councils who provided comment were supportive of the draft provision to ensure owners clear up after their dogs:

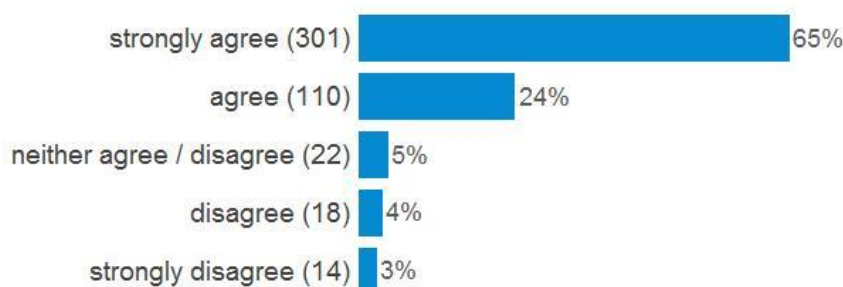
Comment	Response
Despite providing free dog bags this remains an issue for public areas in Laugharne, with many dog owners ignoring our notices and failing to pick up. The council welcome this proposal and are pleased to see the county council taking this positive initiative. Dog fouling is the main complaint we receive from members of the public accessing LTCC land (Laugharne).	<i>This will be taken into account when planning our enforcement activities.</i>
Llandyfaelog Community Council manages a play area at Idole and a Community Garden at Tir Gof, Llandyfaelog. Llandyfaelog Community Hall also has a play area in Llandyfaelog. We would very much wish this to be implemented at these locations, (Llandyfaelog).	<i>The dog fouling provision in the PSPO will apply to all three sites.</i>
Llangennech Community Council resolved to support the Order at its meeting held on the 9 November 2015, (Llangennech).	<i>Comments noted.</i>
This must include all the beach and Pendine as the tide can move mess around, (Pendine).	<i>The Dog Fouling Provisions within the order will apply to all of Pendine beach.</i>
The Town Council is very mindful of health risks associated with dog faeces and is supportive of action against irresponsible dog owners, (St Clears).	<i>Comments noted.</i>

Organisation or group responses (7):

Comment	Response
<p>Cleaning up doesn't remove the problem, there are traces still left on our playing fields. Dogs should always be on a lead in a public place, (Clwb Rygbi Pantyffynon).</p>	<p><i>It's not appropriate to make a PSPO requiring people to keep their dog on a lead in all public places for animal welfare reasons.</i></p> <p><i>If the existing proposals do not address the problem of fouling on playing fields, we will consider using Community Protection Notices to exclude persistent offenders from these areas. We may also consider further site specific PSPO's to address the problem.</i></p>
<p>In principle members agreed that there was a need to clean up dog excrement after fouling, (Farmers Union of Wales).</p>	<p><i>Comments noted.</i></p>
<p>Please add that no dogs should be allowed on private leased sporting venue used by adults and children, (Furnace United RFC).</p>	<p><i>It is for private land owners to decide who can enter on to their land and to deal with any trespass issues. If the existing proposals do not address the dog fouling problem, we will consider using Community Protection Notices or site-specific PSPOs to exclude persistent offenders from these areas.</i></p>
<p>The dog is a very useful benefit to the vast majority of people, providing a means of exercise, companionship, and security for all ages of people yet the responsible dog owner is treated as a criminal. Without a place to exercise dogs, the health of all ages of people will suffer. The council provides the facility in some places like the country park at Pembrey and the coastal path yet has very few dog poo bins so how does this encourage good practise? (Great Dane Care Charitable Trust).</p>	<p><i>The Order does not prevent people from exercising their dog off a lead in public areas.</i></p> <p><i>Dog waste can be disposed of in normal litter bins, we will review the number of bins within the County.</i></p>
<p>Publicity will be required to deter people from violating the Order. A wide range of Council employees need to be involved in the enforcement of this Order. Special Constables and Police Community Support Officers (PSCSOs) should also enforce if possible. Further it must be made clear if action can be taken on the basis of sufficient evidence provided to the Council by members of</p>	<p><i>The Council will take this into account when making arrangements to publicise and enforce the order. The order will be published on the Council's web site and publicised by way of media campaign. Signage will be erected throughout the county. People will be encouraged to report breaches of the order.</i></p>

Comment	Response
the public who have witnessed the violation of the order e.g. witness statement, photographic evidence and reported, (Countryside Access Manager, CCC).	<i>The use of police officers and PCSO's to enforce the order will be discussed with Dyfed Powys Police.</i>
We would also like to take this opportunity to encourage the local authority to employ proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect. These proactive measures may include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo may 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, (Kennel Club).	<p><i>We will take this in to account when publicising the order. The Authority engages with dog owners and undertakes press releases and media events in promoting responsible dog ownership.</i></p> <p><i>We will review the number of bins within the County.</i></p> <p><i>The order makes it clear that dog mess can be placed in normal litter bins. Our website will also make this clear. The authority currently places signs on bins to inform dog owners of this.</i></p>
As a school we have reported issues of dog fouling on our playing fields on several occasions. Small signage has been posted but this has not resolved the issue. As a school we welcome any sort of restriction placed upon dog owners to ensure the health and well being of our pupils, (Ysgol Bro Banw).	<i>Most school sites are not public land and for these purposes of the PSPO. The Authority is happy to work closely with the schools in tackling these issues which may include the use of Community Protection Notices.</i>

The next question asked how far people agreed with the proposal that ‘the Council is proposing to make an Order that will require people to place their dog on a lead of no more than 2 metres in length, when directed to do so by an authorised officer’. The overall result is shown in the chart below:



It is evident from the chart that there is strong support for the introduction of an Order to direct the use of leads. The tables below show the overall AIS, and that for selected categories, in order to better understand the result.

	ALL	Individual	T&CC	Other org	F	M	Disabled	Dog - yes	Dog - no	Parent - yes	Parent - no
AIS	1.43	1.42	1.91	1.5	1.38	1.49	1.32	1.17	1.76	1.49	1.23
Base	465	23	23	16	252	144	22	259	201	341	115

	ALL	16 - 24	25 - 34	35 - 44	45 - 54	55 - 64	65 - 74	75 - 84	85+
AIS	1.43	0.33	1.19	1.4	1.35	1.6	1.54	1.0	0.5
Base	465	3	43	97	115	84	57	3	2

An overall AIS of 1.43 reinforces the view that there is strong support for the proposal. The greatest level of support came from the town and community councils – 1.91, closely followed by people who didn't own dogs – 1.76 (in contrast to a much lower score of 1.17 from dog owners). The results suggest that there is a lower level of support from the 25-34 age group (AIS of 1.19), though the result remains strongly positive.

82% of respondents to the survey agreed a maximum lead length of 2 metres was reasonable (18% against).

There followed an opportunity for respondents to make any additional comments. 165 responses were made and the following summarises the issues that arose.

54 comments related to the length of lead to be adopted within the proposed Order, though there were a range of views:

Comment	Response
25 comments thought 1 metre would be better, some suggested it would enable strong or aggressive dogs to be kept under control. Others suggested 1 metre, because longer leads serve as a trip hazard for other users.	<i>We believe a maximum lead length of 2m is reasonable. 82% of respondents agreed. This also mirrors the lead length requirements in the Countryside and Rights of Way Act 2000.</i>
7 agreed 2 metres was a reasonable length.	
8 considered a longer length would be acceptable.	<i>We believe a maximum lead length of 2m is reasonable. 82% of respondents agreed. This also mirrors the lead length requirements in the Countryside and Rights of Way Act 2000.</i>

Comment	Response
14 comments on retractable leads (typically extending over 2 metres), with the majority who expressed a view being against their use on the basis they don't enable the owner to maintain full control. A number requested a ban on the use of retractable leads.	<i>We do not think that it would be appropriate to use these orders to ban the use of extendable leads. An order that prohibited the use of extendable leads or restrict their use to specific locations would be difficult to draft and could cause confusion. We believe a maximum lead length of 2m is reasonable.</i>
3 of people who commented on the maximum lead length also suggested a different maximum lead length, depending on the location or the size of the dog.	<i>An order that imposed a different maximum lead length based on the location or size of the dog, could cause confusion. For the sake of clarity and consistency, we think that the same maximum length should apply in all areas and to dogs of all sizes.</i>

21 comments were received suggesting that dogs should always be on a lead in public places:

Comment	Response
'Authorised officers' will be few and far between to direct owners to apply a lead and so default position should be use of a lead.	<i>People need to be able to exercise their dogs off-lead, for animal welfare reasons. It is not appropriate to make a PSPO requiring people to keep their dog on a lead at all times in all public places. We believe that an order in these terms would be disproportionate. If specific dog owners continually fail to control their dogs properly, the authority may use additional powers such as Community Protection Notices to deal with the issue.</i>
Having dogs on a lead will assist owners in clearing up after their dogs.	
This will make cycle paths safer for cyclists.	
On leads, for the safety of people (especially children) and other dogs.	
The danger of unleashed dogs is compounded where owners walk a number of dogs at once.	
Designated areas for dogs to run off-lead could be established.	<i>The Authority currently has no plans to introduce restriction on the number of dogs a person can take out. In appropriate circumstances we will consider using Community Protection Notices to restrict the number of dogs that a person may walk at any one time, if there is evidence to show that they cannot control their dogs. We may also consider further site specific PSPO's to address the problem.</i> <i>In a large rural county like Carmarthenshire it is not feasible to provide fenced dog walking areas in every community. In appropriate circumstances we may look at</i>

	<i>introducing a dedicated dog walking area at a location where there is evidence to justify it, subject to available budgets to cover the cost of erecting and maintaining the area.</i>
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Conversely, 13 comments were made stressing the view that leads should only be used when necessary:

Comment	Response
A number suggest they use leads when other people or dogs are in the vicinity	<i>We accept that people need to be able to exercise their dogs off-lead, for animal welfare reasons. A request to put a dog on a lead can only be made where an authorised officer of the Council believes that such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. People will not be required to place their dog on a lead if it is not causing or likely to cause a problem.</i>
Views that dogs need space and time to roam unconfined in order to burn off excess energy and to assist their wellbeing.	
Some dogs are well trained and obedient and for these a lead is suggested as unnecessary.	

17 comments related to issues of enforcement:

Comment	Response
Concerns over the feasibility of enforcement, given the size of the County and the inevitably thin distribution of officers empowered to enforce the order.	<i>Authorised officers of the Council will issue directions requiring dogs to be placed on a lead, in appropriate circumstances. The Authority is currently reviewing the use of additional resources, this may mean that park wardens, rangers, police officers and PCSO's may be authorised to enforce the order. The Authority is in consultation with key services to utilise additional resources both within the authority and partner agencies to assist in enforcing the proposed orders.</i>
The need for a number of officers, including PCSOs and special constables, to be able to enforce the Order.	
Officers should be trained in dog behaviour in order to make the correct judgement as to when a leash should be applied.	
Other concerns relating to judgement: including a possible tendency for officers to enforce where it isn't necessary; and the fact that terms such	

as 'nuisance' and 'annoyance' are subjective and open to interpretation.	
Fear of aggressive enforcement where no risk exists which will lead to greatly restricted freedoms for dog owners.	<p><i>We note the concern about aggressive enforcement. A request to put a dog on a lead can only be made where an authorised officer of the Council believes that such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to avoid causing genuine nuisance and annoyance etc.</i></p> <p><i>It is for authorised officers to decide whether the criteria for issuing a direction are met and whether the person in charge of a dog should be directed to place it on a lead</i></p>

10 comments related to the need for common sense and discretion on the part of dog owners:

Comment	Response
Some suggest that responsible owners with well-trained dogs successfully use their judgement in applying leads on the basis of situations and their knowledge of the dog's behaviour.	<p><i>We agree that the majority of dog owners behave responsibly. The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to avoid causing genuine nuisance and annoyance etc</i></p>
Owners should apply a lead when their dogs is causing a nuisance without the need for direction.	
Conversely, it is recognised that some owners are inconsiderate and their dogs untrained and disobedient, underlining the need for the Order.	

8 comments supported the idea that there are circumstances where dogs should always be on leads.

Comment	Response
Suggestions included dogs on roads, cycle tracks, public parks, and within 30 MPH zones. The Council should ensure appropriate signage to help prevent incidents and consequent litigation.	<p><i>People need to be able to exercise their dogs off-lead, for animal welfare reasons. It is not appropriate to make a PSPO requiring people to keep their dog on a lead at all times in these areas. If a dog owner persistently fails to control their dog properly, the authority may use additional powers such as Community Protection Notices to deal with the issue. The order will be enforced by Authorised officers of CCC.</i></p> <p><i>At present we do not think that it is appropriate to make an order requiring dogs to be kept on a lead at all times in the highway areas, as we do not have sufficient evidence to justify it. For those dogs that persistently cause concerns near public highways, the Authority may use additional enforcement powers to tackle such issues.</i></p> <p><i>Signage will be erected throughout the county.</i></p>

36 miscellaneous comments were made. These can be summarised as follows:

Comment	Response
People who have taken the trouble to train their dogs should not be penalised.	<i>We agree that the majority of dog owners behave responsibly. The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to avoid causing genuine nuisance and annoyance etc</i>
Dogs chasing wildlife is clearly inappropriate.	<i>The order will enable authorised officers to deal with such situations.</i>
The proposal will promote public safety, since some owners disregard the concerns of people their dogs encounter.	<i>Comments noted : No further response required</i>
Disagreement with hunting dogs being exempt on account of falling within the definition of 'working dogs'.	<i>DEFRA guidance states that PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO. We believe this includes packs of hounds used for hunting. We will monitor and work with Hunt groups if issues arise.</i>
In order to maintain control, each walker should have a maximum of	<i>The authority currently has no plans to introduce restriction on the number of dogs a</i>

Comment	Response
2 dogs.	<i>person can take out. In appropriate circumstances, we will consider using Community Protection Notices to restrict the number of dogs that a person may walk at any one time, if there is evidence to show that they cannot control their dogs. We may also consider further site specific PSPO's to address the problem.</i>
Dogs likely to attack others should always be a lead.	<i>We don't think it would be appropriate to make a PSPO requiring some dogs to be kept on a lead at all times in all public places. Where dog owners persistently fail to control aggressive dogs the authority may use additional enforcement powers such as Community Protection Notices to deal with such issues.</i>

Town and community council (T&CC) responses (1):

Comment	Response
Llangennech Community Council resolved to support the Order at its meeting held on the 9 November 2015, (Llangennech).	<i>Comment noted :No further response required.</i>

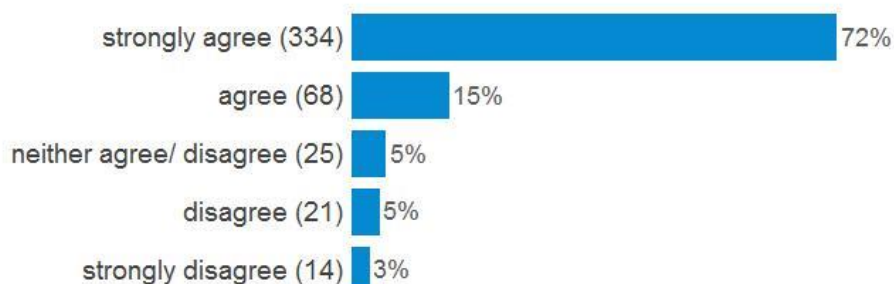
Organisation or group responses (6):

Comment	Response
It was accepted that a dog was under better control whilst wearing a dog's lead but also accepted that many dogs were extremely obedient and under the control of their owners without the need for a lead, (Farmers Union of Wales).	<i>A request to put a dog on a lead can only be made where an authorised officer of the council believes that such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. You will not be required to place your dog on a lead if it is not causing or likely to cause problems.</i>
Those on extendable leads are rarely in full control and there are no proposals to encourage owners to attend training classes. these are not allowed inside any council property, (Great Dane Care Charitable Trust).	<i>If authorised officers find that dog owners are unable to control their dogs with extendable leads, they may instruct the owners to reduce the lead length down to 2m. The authority may also use Community Protection Notices as a long term solution in dealing with dog owners that are unable to control their dogs, this could include</i>

Comment	Response
<p>A wide range of Council employees need to be authorised and trained to enforce this Order along with Special Constables and PCSOs if possible. The Order will need to be well-publicised so people understand that Council employees do have these powers, (Countryside Access Manager, CCC).</p>	<p><i>attendance to training classes.</i></p> <p><i>The authority will review the resources available to enforce the new orders. The use of Police & PCSO's to enforce the orders will be discussed with Dyfed Powys Police. Where additional resources to enforce the orders are identified appropriate training will be provided. The orders will be placed on the authority's web page, and a media campaign informing the public of the new powers will be undertaken.</i></p>
<p>In the case of public rights of way the council cannot make such a direction as rights-of-way law supersedes this. On a public right of way a dog must be on a lead or otherwise under close control. So we suspect this could lead to some confusion, (Open Spaces Society).</p>	<p><i>Under Right of Way law dogs do not have to be kept on a lead on rights of way. They only need to be on a lead or under close control.</i></p> <p><i>There are also no criminal sanctions against a person who fails to comply with the requirement in the Countryside and Rights of Way and 2000 to keep their dog on a lead when on Access Land.</i></p> <p><i>The proposed order will give the authority powers to deal with problems in these areas by insisting that a nuisance dog is placed on a lead, and taking enforcement action if the person in charge of the dog refuses to do so.</i></p> <p><i>We do not agree the rights of way law prevents us from making this order. Where existing legislation imposes more onerous restrictions on dog owners, those restrictions are not superseded by our order and can still be enforced by relevant persons.</i></p>
<p>The Kennel Club strongly welcomes 'dogs on lead by direction' orders, as these allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst allowing the local authority powers to restrict dogs not under control. We would recommend that the authorised officer enforcing the</p>	<p><i>The authority will consider arranging training sessions for officers to be familiar with dog behaviour.</i></p>

Comment	Response
order is familiar with dog behaviour in order to determine whether restraint is necessary. There is a danger that, through no fault of its own, a dog could be a 'nuisance' or 'annoyance' to another person who simply does not like dogs, (The Kennel Club).	
If a dog is on a lead it should be as short as possible to prevent the animal coming into contact with passers-by, (Ysgol Bro Banw).	<i>We believe a maximum lead length of 2m is reasonable. 82% of respondents agreed. This also mirrors the lead length requirements in the Countryside and Rights of Way Act 2000.</i>

The next issue for consideration is the extent to which people thought 'dogs should be excluded from all Outdoor enclosed children's play areas in the County'. The chart below shows the overall result:



The chart shows that a significant majority agree that dogs should be excluded from all Outdoor enclosed children's play areas, with 72% stating they 'strongly agree' and a further 15% who 'agree' with this statement.

	ALL	Individual	T&CC	Other org	F	M	Dis-abled	Dog - yes	Dog - no	Parent - yes	Parent - no
AIS	1.49	1.47	1.95	1.5	1.42	1.57	1.22	1.22	1.82	1.56	1.27
Base	462	412	23	16	250	144	23	257	201	341	113

	ALL	16 - 24	25 - 34	35 - 44	45 - 54	55 - 64	65 - 74	75 - 84	85+
AIS	1.49	1.67	0.95	1.37	1.44	1.75	1.65	2.0	1.5
Base	462	3	43	98	113	83	57	3	2

Again, the overall result of 1.49 indicates strong overall support for the Council's proposal. The highest level of support was from town and community councils

(1.95), followed by those who didn't own a dog (1.82), parents (1.56) and other organisations (1.5). In common with the previous order relating to leads, the 25-34 age group exhibited a lower level of support (0.95), although this is still suggestive of significant support for the proposal.

There followed an opportunity for respondents to make any additional comments. 155 responses were made and the following summarises the issues that arose.

54 comments suggest straightforward agreement with the proposal. The main reasons include:

Comment	Response
The proposal is absolutely necessary for child health, hygiene and safety.	<i>Comment noted : No further response required</i>
Dog foul can discourage child activity and fitness.	
The measure is necessary as irresponsible owners can't be relied upon to keep dog under control or clear up after it.	<i>Comment noted : No further response required</i>
I am concerned that this cannot be enforced in an unsupervised area.	<i>The authority will enforce the order and is currently reviewing the resources available to do so.</i>

18 respondents went further by calling for the ban to apply to wider public areas:

Comment	Response
The ban should apply to all unenclosed play areas, parks and sports fields. Some owners do not clear up and sports players in particular are exposed to the health consequences of contact with dog foul.	<p><i>The exclusion order will only apply to the enclosed children's play areas within a park, it will not apply to the remainder of the park.</i></p> <p><i>It is not appropriate to exclude dogs from all park areas, for animal welfare reasons.</i></p> <p><i>Excluding dogs from all marked-up sports pitches, is difficult. The locations of the pitches can change, and pitch markings are often not maintained all year round. Most pitches are also not fenced off from the rest of the site, and fencing them off would have resource implications. Therefore, dog owner may not know which areas their dogs are excluded from at different times of the year.</i></p> <p><i>Any such exclusions need to be evidence based and considered on a site-by-site basis and alternative land made available in the vicinity where dogs can be exercised off lead.</i></p> <p><i>Rather than excluding all dogs from sports pitches, we</i></p>

	<p><i>will use Community Protection Notices to deal with offending dog owners.</i></p> <p><i>We will also review the need for further site-specific PSPO's if there is sufficient evidence available to pursue the additional PSPO's.</i></p>
<p>School playing fields should be covered by the ban, given their use predominantly by children.</p>	<p><i>Most education establishments are classified as private land and the general public should not access this land without consent. The PSPO will not apply to these assets. However if dog owners are found entering such sites the authority may use other enforcement Powers such as Community Protection Notices or deal with it as a trespass issue.</i></p>
<p>The suggestion that beaches and other areas are also covered by the Order.</p>	<p><i>In early 2015 the authority conducted a consultation with the general public to ascertain if there was support for seasonal beach exclusion at a number of amenity beaches in the County. 70% of the respondents indicated that they did not want a beach exclusion order. The dog fouling provisions in the Order will apply to beaches. However the existing seasonal dog exclusion (Bye Law) will remain in place at Cefn Sidan and Llansteffan beach.</i></p>

29 comments were made against the proposal to exclude dogs from outdoor children's play areas, although at least 8 respondents may have misunderstood the order:

Comment	Response
<p>Dogs should be allowed when on leads and with owners clearing up foul. Concentrate on tackling irresponsible owners who do not take such action.</p>	<p><i>There has been overwhelming support for dogs to be excluded from enclosed children's play area and we believe that the order is reasonable and proportionate.</i></p>
<p>It is healthy for dogs and children to interact. Many dogs are integral parts of their families.</p>	<p><i>We agree. Children will be able to continue to interact with dogs in the general area of a park.</i></p>
<p>So you can't take your child and dog for a walk to the park any more.</p>	<p><i>At least 8 respondents may have misunderstood the Order as they appeared to believe that we were excluding dogs from all parks.</i></p> <p><i>The exclusion order will only apply to enclosed children's play areas . Where there is an enclosed play area within a larger park, it will not apply to the remainder of the park. Where there is an unenclosed play area within a larger park site, the exclusion order will not apply to it.</i></p>

	<i>To avoid confusion we will publish information on our website to help identify which areas the exclusion applies to. The areas where it applies will also be marked with appropriate signage.</i>
The issue of dangerous dogs should be tackled in a different way. perhaps the council should try to address this issue differently. Maybe by introducing dog licences, to ensure that dogs are only owned by responsible individuals.	<i>The Council cannot use PSPO's to require people to have a dog license, or to control who can own a dog.</i>

7 comments related to the definition of 'outdoor enclosed play areas'.

Comment	Response
It was queried whether the Order would apply to premises owned by community councils and others, such as pubs.	<i>The exclusions in the PSPO will apply to all outdoor enclosed children's play areas, subject to signage appropriate signage being erected. This includes privately owned children's play areas, although land owners are able to opt out of the order by giving people permission to breach it on their land.</i>
Some referred to the need to fence in areas not currently enclosed, and the need for fences to be in a suitable state of repair to keep stray dogs and other animals from entering.	<i>We will maintain the fencing at our enclosed children's play areas. We may consider fencing additional play areas, subject to available resources.</i>
The application of the order to large parks which are fenced but contain a play area was queried.	<i>The exclusion order will only apply to enclosed children's play areas . Where there is an enclosed play area within a larger park, it will not apply to the remainder of the park. Where there is an unenclosed play area within a larger park site, the exclusion order will not apply to it.</i>
There is a need to define children's play areas as it is unclear whether this extends to other facilities for children/teenagers such as skate parks, cycle paths/velodrome, country park facilities etc where children play	<i>They are defined in the order. A "enclosed children's play area" is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus. It does not include</i>

Comment	Response
	<i>skate parks, sports facilities and velodromes etc. We will also publish information on our website to help identify which areas it applies to. The areas where the order applies will be marked with appropriate signage</i>

Although it is not the intention of the Order to exclude dogs from other areas, 8 comments were made on the subject.

Comment	Response
The need for dogs to be able to exercise in parkland and sports fields, and the need for Carmarthenshire to maintain its 'dog-friendly' reputation.	<p><i>At least 8 respondents may have misunderstood the Order as they appeared to believe that we were excluding dogs from all parks.</i></p> <p><i>The exclusion order will only apply to enclosed children's play areas . Where there is an enclosed play area within a larger park, it will not apply to the remainder of the park. Where there is an unenclosed play area within a larger park site, the exclusion order will not apply to it.</i></p> <p><i>To avoid confusion we will publish information on our website to help identify which areas the exclusion applies to. The areas where it applies will also be marked with appropriate signage.</i></p>

4 comments were made on the subject of exemptions.

Comment	Response
Comments made included the view that no exemptions should be allowed, that hunting dogs should not be exempt.	<i>DEFRA guidance states that PSPOs are not intended to restrict the normal activities of working dogs. We believe this includes packs of hounds that are being used for hunting. We do not foresee a problem with dogs entering these areas whilst hunting.</i>
That assistance dogs (not charity trained) should be allowed, and that signage should clearly state exemption for guide dogs.	<i>Assistance Dogs provided by the main assistance dog charities are easily recognisable. They should have formal identification in the form of a white harness, organisation specific branded dog jackets, lead slips or id tags on the dog's collar. Their dogs</i>

	<p><i>are also fully toilet trained.</i></p> <p><i>The Council has considered extending the exemption in clause 13 of the order to apply to all assistance dogs, rather than those trained by a registered charity. However, we are concerned that this could leave it open to potential abuse from people who try to escape enforcement action by claiming that their pet is an assistance dogs when it does not provide them with assistance and has not been properly trained.</i></p> <p><i>Under the order a person still has a defence to prosecution if they have a "reasonable excuse" for failing to comply with it. We believe that people who genuinely rely on a properly trained assistance dog that has not been provided by a registered charity will have a "reasonable excuse" for taking their dogs in to these areas, and we will not take enforcement action if we are satisfied that this is the case.</i></p> <p><i>If dog owners are unsure whether the order applies to them, we will be happy to advise.</i></p> <p><i>Exemptions will be displayed on signs in these areas.</i></p>
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1 person questioned whether the authority could set up enclosed dog areas.

Comment	Response
<p>Areas for dog exercise should be designated.</p>	<p><i>In a large rural county like Carmarthenshire it is not feasible to provide fenced dog walking areas in every community.</i></p> <p><i>Setting aside and fencing off these areas would have resource implications.</i></p> <p><i>We may consider setting up some dog walking areas in the future if this will prevent problems on other neighbouring land</i></p>

20 miscellaneous comments were made. These covered:

Comment	Response
A perception that the intention of the proposed Order was already the case.	<i>Comment noted: No further response required</i>
The need for effective enforcement and the encouragement of public reporting.	<i>The authority will review the resources available to enforce the new orders. The Authority actively encourages members of public to report issues concerning irresponsible dog ownership, this can be done either by phone the authority or reporting incidents on-line.</i>
Provision to safely tie dogs on leads near enclosed children's play entrances.	<i>People will be able to tether their dogs outside the play areas. We will review the need for further facilities for people to tether their dogs.</i>
What about wild animals? Will that include all horses, including police horses.	<i>We will try to stop others animals from getting in to these areas, but it is very difficult to exclude some animals such as cats. We are not aware of any problems with horses in children's play areas, so we do not believe that it is necessary to make an order excluding them.</i>

Town and community council (T&CC) responses:

Comment	Response
Llandyfaelog Community Council manages a play area at Idole. Llandyfaelog Community Hall also has a play area in Llandyfaelog. We would very much wish this to be implemented at these locations, (Llandyfaelog).	<i>The enclosed Children's play area at the rear of Llandyfaelog Community Hall would fall within the exclusion order. It will not apply to the park area at Idole. As land owners it is up to you to decide who can access your land. We believe it is not appropriate to exclude dogs from park areas for animal welfare reasons, unless other land is made available in the vicinity where dogs can be exercised off lead.</i>
Llangennech Community Council resolved to support the Order at its meeting held on the 9 November 2015, (Llangennech).	<i>Comment noted : No further response required</i>

Organisation or group responses (6):

Comment	Response
<p>And all playing fields. We use the local park and there are more and more people bringing their dogs to the park and leaving them off the lead, (Cefneithin Welfare Association).</p>	<p><i>It is not appropriate to exclude dogs from all park areas, for animal welfare reasons.</i></p> <p><i>Any such exclusions need to be evidence based and considered on a site-by-site basis and alternative land made available in the vicinity where dogs can be exercised off lead.</i></p> <p><i>Rather than excluding all dogs from playing fields, we will use Community Protection Notices to deal with offending dog owners.</i></p> <p><i>We will also review the need for further site-specific PSPO's if there is sufficient evidence available to pursue the additional PSPO's.</i></p>
<p>Members agreed with the proposal for enclosed play areas for Children to be protected. It would be beneficial if there were additionally "Dog Areas" within the same area where parents could take their animals whilst taking their children to the play areas so that they could maintain the family make up, (Farmers Union of Wales).</p>	<p><i>It is not necessary to set up "dog areas" within parks or children's play areas. People will be able to tether their dogs outside the enclosed play areas, and to exercise and play with their dogs in surrounding park areas.</i></p>
<p>Responsible owners will keep a place clean. All efforts should be made by the council to keep these areas cat and fox proof and they both carry toxicara canis and they don't get routine worming like most pet dogs, (Great Dane Care Charitable Trust).</p>	<p><i>We will try to stop others animals from getting in to these areas, but it is very difficult to exclude some animals such as cats.</i></p>
<p>Dogs are already excluded from our playing field, (Laugharne Festival Committee - Cors Playing Field).</p>	<p><i>Comment noted :No further response required.</i></p>
<p>The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog.</p>	<p><i>We agree that children and dogs should be able to socialise together quite safely under adult supervision. Our order does not prevent this. We will take these comments in to account when arranging signage for these sites.</i></p>

Comment	Response
Appropriate signage for dog exclusion areas - To ensure compliance and avoid doubt for people with and without dogs, on-site signage should make clear where such restrictions start and finish. This can often be achieved by signs that on one side say, for example, "You are entering [type of area]" on one side and "You are leaving [type of area]" on the reverse of the sign, (The Kennel Club).	
It's important to ensure that dogs that are in public places where children play cannot run free but for families who have dogs it is also important that they can take the dog for a walk and that the children have the opportunity to stay in the local park for a while and play with the dog on a lead, (Ysgol Gynradd).	<i>It's not appropriate to make a PSPO to exclude dogs from the parks for animal welfare reasons. Our order only excludes dogs from enclosed outdoor children's play areas, including the enclosed play areas within parks.</i>

3) ANALYSIS OF GENERAL COMMENTS FROM THE SURVEY

159 responses were made to the final question, which gave an opportunity for any additional comments to be made. Where respondents differentiated between the 3 proposals within the draft Order, dog fouling was the largest area of comment.

29 comments were made on the subject of enforcement:

Comment	Response
Concerns that the Council lacks the necessary staff to enforce, at a time of financial cutbacks.	<i>The authority will be reviewing the resources available to enforce the new orders.</i>
The use of countryside employees and volunteers as uniformed authorised officers.	<i>The Authority will look at utilising other resources within the Authority to enforce the orders.</i>
An increase in patrols.	<i>The authority will be reviewing the resources available to enforce the new orders.</i>
Patrols to take place early and late in the day – when many offenders take their dogs to toilet.	<i>The out of hours patrols will be taken into account when planning our enforcement activities.</i>
A warning for first offenders.	<i>We do not intend to only warn first time offenders.</i>
A zero-tolerance approach to offenders.	<i>In most cases, the Council will issue a fixed penalty notice to someone who breaches the order for the first time. However, we may decide</i>

Comment	Response
	<i>to prosecute them instead, if we consider it more appropriate to do so.</i>
Publicity of prosecutions / offenders.	<i>Where offenders have accepted a Fixed Penalty Notice, the authority is unable to publish their details. Where offenders are successfully prosecuted in the magistrate's court their details are published in the press.</i>

17 comments were offered in relation to encouraging compliance with the proposed order:

Comment	Response
Name and shame offenders in local press.	<i>Where offenders have accepted a Fixed Penalty Notice, the authority is unable to publish their details. Where offenders are successfully prosecuted in the magistrate's court their details are published in the press.</i>
A public awareness campaign to educate the dog-owning public on the expectations of the Order. This could include issuing a publicity leaflet with each sale of clear-up bags.	<i>Education and Awareness is the first and foremost strategy of the authority. The authority will undertake a publicity campaign raising awareness of the new orders being proposed.</i>
Re-introduce dog licensing, micro chipping and DNA registration.	<i>The council cannot use PSPO's to require people to have a dog license. We are not aware of any plans to reintroduce the dog licence, however the government is introducing mandatory Micro chipping of all dogs in 2016. We do not think a DNA database will assist with enforcement activities, as dog owners do not have to provide DNA samples for the database. It is likely that only responsible dog owners would do so.</i>
Impose significant fines.	<i>The fines for dog fouling are fixed by central government.</i>
Take dog away from offenders and impose restrictions on keeping dogs.	<i>PSPO's cannot be used to take dogs away from people.</i>
Introduce a dog fouling app to assist reporting.	<i>There are no plans to introduce an app at this current time, however to report irresponsible dog ownership or dog fouling, reports can be made via the Authority's contact centre or website on Carmarthenshire ilocal.</i>

19 comments referenced the role irresponsible owners played in necessitating the Order:

Comment	Response
Irresponsible owners spoil it for the rest and give dog owners in general a bad name.	<i>Comment noted : No further response required.</i>
The Orders places unfair restrictions on responsible dog owners who have dogs who are included as part of a normal enjoyable family life. Irresponsible owners will remain irresponsible regardless of the rules in force.	<i>The purpose of the PSPO is to promote responsible dog ownership and to enable the authority to deal with dog owners who do not behave responsibly. We believe that this order strikes a fair balance and is reasonable and proportionate.</i>
Restrictions will affect Carmarthenshire's dog-friendly reputation, with consequences for tourism.	<i>We would like to think that Carmarthenshire is dog friendly county. We believe that this order strikes a fair and sensible balance, it allows people to walk their dogs off lead in public areas, but requires people to clean up after their dog and gives us the power to deal with any problems as and when they occur, by requiring people to place their dog on a lead.</i>
Other measures are needed to tackle dangerous dogs who attack other dogs.	<i>This order will enable us to deal with dogs that cause nuisance or annoyance to others, and attack other dogs on public land. If a dog owner persistently fails to control their dog properly, the authority may use additional powers such as Community Protection Notices to deal with the issue.</i>
The Order doesn't tackle unsupervised dogs who roam freely.	<i>The Environmental Protection Act 1990 already enables us to deal with stray dogs. The provisions in this order will enable us to deal with dogs that cause nuisance or annoyance to others, and attack other dogs on public land.</i>

18 comments related to views on the areas that the 3 aspects of the Order should apply:

Comment	Response
Dogs should also be excluded from sports pitches, cemeteries and school grounds.	<p><i>Orders to exclude dogs from parks, sports pitches or cemeteries would need to be considered on a site-by-site basis and alternative land made available in the vicinity where dogs can be exercised off lead. We will keep the need for further site-specific PSPO's under review.</i></p> <p><i>School sites are not public land for the purposes of the PSPO. The authority is happy to work closely with schools to tackle these issues on their land. This may include the use of Community Protection Notices to deal with problems.</i></p>
Dogs should be on leads when on cycle paths, due to risk of causing accidents.	<i>If a dog owner persistently fails to control their dog properly, the authority may use additional powers such as Community Protection Notices to deal with the issue.</i>
Dogs should <u>not</u> be banned from beaches and other open spaces (includes possible tourism impact).	<p><i>We do not have any plans to introduce PSPO's to exclude dogs from beaches or other open spaces at this time but will keep the need for further orders under review. Any further orders to exclude dogs from beaches or open space would need to be considered on a site-by-site basis.</i></p> <p><i>However the existing seasonal dog exclusions (Bye law) will remain in place at Cefn Sidan and Llansteffan beach.</i></p>

13 comments were made in relation to leads or restraint:

Comment	Response
<p>Off lead exercise is essential for dog health and welfare.</p> <p>Dogs on leads are much easier to clear up after, since the location of foul is more straightforward.</p> <p>Having dogs on leads would result in less fighting and aggression.</p>	<p><i>People need to be able to exercise their dogs off-lead, for animal welfare reasons. It is not appropriate to make a PSPO requiring people to keep their dog on a lead at all times in all public places.</i></p> <p><i>If a dog owner persistently fails to control their dog properly, the authority may use additional powers such as</i></p>

Comment	Response
	<i>Community Protection Notices to deal with the issue.</i>
Aggressive dogs should be muzzled and on a lead.	<i>In appropriate circumstances, a Community Protection Notice could require an individual to keep their dog on a muzzle in public areas</i>
Family dogs are unlikely to be aggressive. The real problem is unsupervised dogs who are not 'socialised'.	<i>The proposed orders will enhance the enforcement powers to tackle irresponsible dog ownership within the county, in particular to enforcing aggressive / nuisance dogs in all publicly accessible land.</i>
Dogs should be on leads on roads and cycle paths.	<p><i>People need to be able to exercise their dogs off-lead, for animal welfare reasons. In some locations, cycle paths are the only places where people can exercise their dog off-lead. Some cycle paths also run through large open spaces where dogs are allowed off lead.</i></p> <p><i>However we will keep the situation with dogs on the cycle paths under review and may consider additional PSPO's to address this in future if necessary. We will also consider using Community Protection Notices to deal with any problems that arise.</i></p> <p><i>At present we do not think that it is appropriate to make an order requiring dogs to be kept on a lead at all times in the highway areas, as we do not have sufficient evidence to justify it.</i></p> <p><i>If a dog owner persistently fails to control their dog properly on a cycle path or highway, the authority may use additional powers such as Community Protection Notices to deal with the issue.</i></p>

9 comments were made concerning the need for designated areas

Comment	Response
Designated areas where dogs can exercise off lead are needed.	<i>In a large rural county like Carmarthenshire it is not feasible to provide fenced dog walking areas in every community. In appropriate circumstances we may look at introducing a dedicated dog walking area at a location where there is evidence to justify it, subject to available budgets to cover the cost of erecting and maintaining the area.</i>

7 comments referred to disposal of waste.

Comment	Response
There is a need for more disposal bins and more frequent emptying.	<i>The authority will be reviewing the number of bins within the county, and also the frequency of emptying.</i>

35 miscellaneous comments were received. Relevant issues are summarised below:

Comment	Response
It is important for tourism that Carmarthenshire remains 'dog-friendly'.	<i>We would like to think that Carmarthenshire is dog friendly county. We believe that this order strikes a fair balance approach in tackling anti social behaviour concerning irresponsible dog ownership.</i>
Other types of fouling need to be tackled as well. Inc cats, horses and wild animals.	<i>We cannot see how these orders can be used for foxes, birds and other wild animals. Cats are essentially a straying animal and we cannot expect their owner to follow their cat at all times and clear up after it. We receive fewer complaints about horse muck than dogs mess. As horses and cows are herbivores, their faeces is less harmful than dog faeces. It also may not be safe for a horse rider to dismount and clear up after their horse immediately. For these reasons, we do not feel that it is necessary or appropriate to extend these control to horses at this time.</i>

Comment	Response
The issue of owners taking a number of dogs at once has not been addressed. Such owners are not in control of their dogs.	<i>The authority currently has no plans to introduce restriction on the number of dogs a person can take out. In appropriate circumstances we will consider using Community Protection Notices to restrict the number of dogs that a person may walk at any one time, if there is evidence to show that they cannot control their dogs. We may also consider further site specific PSPO's to address the problem.</i>
Hunting dogs should not be exempt from the provisions, as not 'working dogs'.	<i>PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO (DEFRA guidance). We believe this includes packs of hounds used for hunting.</i>
Dog ownership promotes owner health and fitness, so it is important the proposals do not affect this critical outcome.	<i>Comment noted. No further response required.</i>

Town and community council (T&CC) responses (5):

Comment	Response
Council regularly receives reports of dog fouling on footways and on the roadside particularly on side streets in Abergwili and in Peniel in the vicinity of the school and estate roads and pavements nearby. Council would welcome the implementation of powers by CCC that will assist in the elimination of dog fouling. The play area near the school in Abergwili has no dog notices currently but new exclusion powers would ensure that such notices can be enforced should the need arise, (Abergwili).	<i>No further response required. With regards to the issues at the side streets at Abergwili and Peniel, these will be taken into account when planning our enforcement activities.</i>
For your information - Children's Playground at Heol y Felin, Betws is owned by the Community Council. Also children's playground at Maesquarre Road, Betws is in the process of being handed over from the developer to the County Council. (Paul Murray is aware of the situation), (Betws).	<i>Comment noted : No further response required.</i>
The council supports County Council	<i>Comment noted : No further response</i>

Comment	Response
enforcement officers accessing LTCC land to enforce these proposed orders, (Laugharne).	<i>required</i>
Llangunnor Community Council believe that it would be advantageous to ban dogs from all public parks, if this is not possible the order should include that all dogs be kept on leads when in public parks, (Langunnor).	<p><i>It is not appropriate to make a broad order excluding dogs from all park areas or requiring them to be kept on a lead at all times in these locations, for animal welfare reasons.</i></p> <p><i>Any such exclusions need to be evidence based and considered on a site-by-site basis and alternative land made available in the vicinity where dogs can be exercised off lead.</i></p>
The Town Council would wish to ensure that particular areas currently of concern would now enable the County Council to take enforcement action and provide exclusion orders. To this end the Town Council would be prepared to work with the County Council and any other interested parties to eliminate dog fouling on the Welfare Field in Station Road, Peillac Way (63/NCN2/1) the cycle/foot way which runs along the riverbank from the TRA40 road bridge to St Mary's Church. Both these areas give rise to regular reports of dog fouling and is imperative that appropriate action can be taken to educate irresponsible dog owners. The Town Council has responsibility for the Skateboard Park, to the rear of the Car Park in Pentre Road, and the enclosed Children's Play Area alongside the Welfare Field in Station Road and should be the subject of exclusion orders. The Town Council is keen to ensure that all the above are safe areas for the enjoyment of all its residents and free from potential health risks, (St Clears).	<p><i>This information provided will be taken into account when planning our enforcement activities.</i></p> <p><i>The exclusion order will not apply to the skate park. If there are problems at the skate park we will consider use CPN's to deal with offending dog owners. We will also keep the need for further site-specific PSPO's under review.</i></p> <p><i>The authority is happy to work closely with the town council in tackling the aforementioned issues.</i></p>

Organisation or group responses (7):

Comment	Response
The introduction section of the proposed order doesn't seem to make a lot of	<i>Order wording will be reviewed</i>

Comment	Response
sense and not all points seem relevant to what is actually being proposed. The Local Access Forum would like officers to re visit this text before drafting the order, (Carmarthenshire Local Access Forum).	
It was noted that a breach of these orders would result in a criminal conviction being imposed on the recipient. Members did not think that this was a sufficiently serious offence to warrant a criminal conviction with its associated adverse effects (Farmers Union of Wales).	<i>Breach of an order will only result in a criminal record if the offender is successfully prosecuted through the courts. In most cases, the Council will issue the offender with a fixed penalty notice. If they pay the fixed penalty they will not be prosecuted and will not get a criminal record.</i>
Please add that no dogs should be allowed on private leased sporting venue used by adults and children, (Furnace United RFC).	<i>As land owners it is up to you to decide who can access your land. If the existing proposals do not address the problems at these sites, we will consider using Community Protection Notices to deal with persistent offenders. We may also consider further site specific PSPO's to address the problem.</i>
The council should provide area for responsible people to free run dogs especially in holiday area as this is a vital boost to the county's economy. You should have regular meeting with pet dog owner, (Great Dane Care Charitable Trust).	<i>We do not believe that dog run areas are necessary, as the Council does not exclude dogs from its parks and other open spaces. The new order will only exclude dogs from enclosed children's play areas. We do engage with dog owners.</i>
I am a County Council Employee making my submission in a professional capacity as Countryside Access Manager dealing with public rights of way and other access land where dog fouling and out of control dogs are major issues. These proposed Orders appear sensible and proportionate, (Countryside Access Manager, CCC).	<i>Comment Noted: No further response required</i>
We are concerned that implementation of the order may be difficult at our unsupervised park, (Laugharne Festival Committee, Cors Playing Field).	<i>The authority will be reviewing the resources available to enforce the new orders.</i>
Working dogs - We strongly welcome the proposed exemptions for working dogs. The guidance document prepared by DEFRA and the Welsh Government to accompany the legislation introducing Public Space Protection Orders is clear	<i>We will continue to engage with the kennel club. No further response required.</i>

Comment	Response
<p>- "PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO". Finally, we would like to take this opportunity to invite Carmarthenshire County Council to sign up to KC Dog. There are no entry requirements, but consulting with KC Dog, or keeping KC Dog up to date with what your council is doing is a good way to keep in touch with our dog-owning members, (The Kennel Club).</p>	

4) REPORT SUMMARY

The consultation shows very clear public and stakeholder support for each of the 3 proposed dog controls.

In respect of the proposal to require people to clear up after their dog immediately of it defecates on public land, 87% 'strongly agreed' (408, out of the 467 who answered the question). A number of comments related to clearing up being an important aspect of being a responsible dog owner, with other comments relating to the need for meaningful sanctions for non-compliance (including enforcement), and adequate provision of the means of disposal.

Considering the proposed provision to allow an authorised officer of the Council to direct the use of a lead no more than 2 metres in length on all publicly accessible land, 65% 'strongly agreed' (301, out of 465 who answered the question). A further 24% 'agreed' with the proposal, with a mere 7% against the proposal (5% 'disagree' and 4% 'strongly disagree'). Analysis of the comments reveals a range of views, with some commenting on the length of lead, the situations where a lead should be used, and concerns about enforcement.

The final proposed provision is to prohibit dogs from all outdoor enclosed children's play areas. Again, there is very strong support, with 72% who 'strongly agree' (334, out of 462 who answered the question) and a further 15% who 'agree'. Most comments stressed agreement, with a small number of respondents (18 of 462) suggesting the ban could go further (for example, to cover parks and sports pitches).

Whilst the consultation has demonstrated public support for the proposed Order, a further benefit has been constructive comment (including in relation to signage, training, definitions and enforcement) which will assist the Council should it decide to introduce the Order.

Carmarthenshire County Council - Public Spaces Protection Orders (PSPOs)

- 1 Are you responding as an...
 - Individual
 - Business
 - Town & Community Council
 - Other Organisation or Group
- 2 If responding as a business, please write its name here.
- 3 If responding as a Town & Community Council, please write its name here
- 4 If responding as an organisation or group, please write its name here

About You

The following demographic questions are asked to allow the Authority to develop a greater understanding of the likely impacts on people.

Carmarthenshire County Council is firmly committed to having a decision-making process that shows due regard to the communities it serves.

We fully comply with the Data Protection Act.

- 5 What is your ethnic group?
 - White
 - Mixed / multiple ethnic groups
 - Asian / Asian British
 - Black / African / Caribbean / Black British
 - Other ethnic group
 - Prefer not to say
- 6 What is your age group?
 - Under 16
 - 16 - 24
 - 25 - 34
 - 35 - 44
 - 45 - 54
 - 55 - 64
 - 65 - 74
 - 75 - 84
 - 85+
- 7 What is your gender?
 - Female
 - Male
 - Prefer not to say

8 Is your gender the same now as when assigned at birth?

- Yes
- No
- Prefer not to say

9 What is your partnership status

- Single
- Married
- Separated
- Divorced
- Widowed
- Civil Partner
- Cohabiting
- Prefer not to say
- Other (please specify)

10 The Equality Act 2010 states that a person has a disability for the purposes of this Act if he/she has or has had '*a physical or mental impairment which has had a substantial and long term adverse effect on his/her ability to carry out normal day to day activities*'.

Long term has been defined as meaning having lasted 12 months or is likely to last at least 12 months

Do you consider yourself to be disabled?

- Yes
- No
- Prefer not to say

11 Do you hold a religion or belief?

- Yes
- No
- Prefer not to say

If yes, please specify

12 What is your sexual orientation?

- Heterosexual
- Bisexual
- Lesbian
- Gay
- Prefer not to say

Public Spaces Protection Orders (PSPOs)

Summary of Proposals

New Powers are available to local authorities under the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle irresponsible dog ownership.

Earlier in the year we consulted with the public to find out if there was public support for further dog controls in the County. Based on the results of that consultation exercise, we have now drawn up a draft Public Spaces Protection Order, containing 3 proposed dog controls:–

1. A provision requiring people to clean up after their dogs immediately, if it defecates on public land. This will apply on **ALL** publicly accessible land in the County of Carmarthenshire.
2. A provision requiring people to place their dog on a lead of no 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 of Carmarthenshire.
3. A provision prohibiting dogs from all outdoor enclosed children's play areas in the County of Carmarthenshire

If the person in charge of a dog breaches the order, they will be committing a criminal offence unless:-

- (a) they have a reasonable excuse for doing so; or
- (b) the owner, occupier or person in charge of the land has given them permission not to comply with the order on the land.

Anyone who breaches the order may be issued with a Fixed Penalty of up to £100, or they may receive a fine of up to £1,000 if convicted in the magistrates' court.

There are also a number of other exemptions in the order:-

1. The dog fouling provisions will not apply to some categories of disabled people, with whose sight impairments or other disabilities prevent them from being able to clean up after their dogs.
2. The provision prohibiting dogs from all outdoor enclosed children's play will not apply to assistance dogs trained by a registered charity.

3. The 3 provisions in the order will also not apply to working dogs, whilst they are working.

For full details of what is proposed and our reasons for wanting to introduce these controls, we would suggest that you read the **Draft Order** and the **Frequently Asked Questions** document that we have prepared.

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

13 Are you a dog owner?

- Yes
- No

14 Are you a parent?

- Yes
- No

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

Q15 **Dog Fouling:** 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.

	strongly agree	agree	neither agree / disagree	disagree	strongly disagree
How far do you agree with this proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q16 Please add any comments that you wish to make

A direction to put a dog on a lead can only be made where an authorised officer of the Council believes that such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal or bird.

Q17 **Dogs on Leads by Direction:** The Council is proposing to make an Order that will require people to place their dog on a lead of no more than 2 metres in Length, when directed to do so by an authorised officer.

	strongly agree	agree	neither agree / disagree	disagree	strongly disagree
How far do you agree with this proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q18 Do you agree that the proposed maximum length of 2 metres is reasonable?

- Yes
- No

Q19 Please add any comments that you wish to make

Q20 **Dog Exclusion Orders:** The Council is proposing to make an Order that will prohibit dogs from all outdoor enclosed children's play areas, subject to the exceptions set out above.

	strongly agree	agree	neither agree/ disagree	disagree	strongly disagree
How far do you agree with this proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q21 Please add any comments that you wish to make

Other Matters

Q22 Please add any additional comments that you wish to make

Thank you for taking the time to complete this survey. It is greatly appreciated as your views can assist Carmarthenshire County Council formulate future policy

Appendix B - List of Consultees

Key stakeholders

Police & Crime Commissioner DPPA

Chief Constable DPPA

The Kennel Club

Dogs Trust Bridgend

Dogs Trust London

Carmarthenshire Local Access Forum

CCC Marketing & Tourism

Crown Properties

National Farmers Union Cymru

National Park Authorities

Farmers Union of Wales

The British Horse Society

Assembly Member for Carmarthen East & Dinefwr

Assembly Member for Carmarthen West & South Pembrokeshire

Member of Parliament for Llanelli

Member of Parliament for Carmarthen East & Dinefwr

Member of Parliament for Carmarthen West & Pembrokeshire

RNLI

Open Spaces Society

CCC Countryside Access Manager

Country Land & Business Association

Dog Control Service (Pembrokeshire)

Environmental Health (Ceredigion)

Powys County Council

City & County of Swansea
Neath Port Talbot County Borough Council
Brecon Beacons National Park Authority
Ramblers Association
Disability Rights UK
Hearing Dogs (UK)
Carmarthenshire Disabled Access Group
Countryside Alliance Wales
Director at CADW
National Trust Wales
Royal Society of Wildlife Trusts WWT Llanelli
The Wildlife Trust of South & South West Wales (Bridgend)
Sport and Recreation Alliance
RSPCA
Sustrans Cymru
British Mountaineering Council
Keep Wales Tidy
One Voice Wales
Ramblers Association
Dinefwr Ramblers
Carmarthen & District Ramblers
Llanelli Ramblers
Lampeter Ramblers
Mynydd Mallaen Graziers Association
Glanamman, Pedol & Twrch Graziers
Llanfihangel Rhos-y-Corn Graziers Association
Black Mountain Graziers Association

Black Mountain West

Mynydd Betws Graziers Association

Mynydd Llangydeirne Graziers Association

Trapp & Llandyfan Graziers Association

Best Pet Friends

British Flyball Association

Great Dane Care Charitable Trust

Carmarthenshire Cycle Forum

The National Cycling Charity

Support Adoption for Pets

BPSCA Extremus Dog Training Ltd

Animal Welfare Welfare Network Wales

Members of Carmarthenshire County Council

Clerks of Town & Community Councils