

Dog Control Public Space Protection Order Consultation – Frequently Asked Questions

Why change from Dog Control Orders to Public Space Protection Orders?

This is a requirement under the Anti-Social Behaviour, Crime and Policing Act 2014. On the 20th October 2017 all of the Councils existing Dog Control Orders will become a Public Space Protection Order.

Whilst this change is automatic in law, we as a Council are taking this opportunity to review our current dog controls, so we are consulting on a proposed amended Public Space Protection Order.

Why is this Order needed?

We accept that a majority of dog owners are responsible, however there remain an irresponsible few who are not. In addition to this, whilst on the whole we are a County of dog lovers, there are those people for whom simply the presence of a dog causes fear and distress. There are also many people who wish to enjoy public areas free from dogs. As such we believe that the proposed amended Public Spaces Protection Order, just as the Dog Control Orders and thus converted Public Space Protection Order before it, is a fair, balanced and proportionate response to the current issues that are experienced within the County. We believe that it is necessary and proportionate in terms of the controls that it imposes, and the reasonable controls that we think should apply to all dog owners except for those exempted by the Order. This is necessary to balance the needs and wishes of all in Conwy County Borough.

What land will this Order apply to?

In general, unless specifically named as an exclusion zone or dogs on leads area, the Order will apply to all public places in the County of Conwy. For these purposes, a "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes indoor areas that are used by the public.

Does this apply to land that is not owned by Conwy County Borough Council?

Yes, the requirement to clean up after your dog, put your dog on a lead when asked and have the means to pick up dog faeces will apply to all public land that falls within the description set out above, including areas of land in private ownership that are used by the public (or a section of the public). However, the owner, occupier or person in control of a piece of private land can give a person in charge of a dog permission not to have to clean up after their dog on his/her land. They can give this permission to individuals, groups of people, or to everyone that uses their land. By doing this, they can opt out of the Order, so it will not apply to their land.

Are rights of way covered by the Order?

Yes, all public rights of way, whether they cross public or private land, qualify as land which is open to air and to which the public are entitled or permitted to have access.

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What steps can I take to make sure that I comply with the Order?

We would advise you to always take a poop scoop or bags with you when you take your dog for a walk. Do not enter a designated dog exclusion zone. Keep your dog on a lead where required and in all other locations keep your dog under close control.

When will the Order come into effect?

The Council is consulting on these proposals. Before making any amended Public Space Protection Order, the Council will consider the responses to the consultation exercise. If the Council decides to go ahead with any amended PSPO, the implementation date will be publicised in advance of the powers coming into effect.

A copy of the proposed amended Order being consulted upon is available on the Council's website at <http://www.conwy.gov.uk/pspo>

Who will we be consulting with?

This consultation involves all stakeholders who may be affected, including:

- The General Public
- The Chief of Police
- The Office of the Police and Crime Commissioner
- Elected Members
- Owners / Occupiers of land within the Order
- Community, Town and Parish Councils
- Schools
- Housing Associations
- Community Representatives
- Highways Authority
- Other Stakeholders who may be affected

In short everybody can have their say on the proposals.

How long will the Order last for?

The Order will last for a period of 3 years, but it may be extended in due course. There is a statutory consultation process that we have to follow if we propose to vary this Order, to extend it, or to make any additional Orders.

Are there any exemptions to the Order?

Nothing in the Order will apply to a person who -

(a) is registered as a blind person in a register compiled under section 29 of The National Assistance Act 1948; or

(b) has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

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1. Dog Fouling

What does this part of the Order require?

This part of the Order requires the person in charge of a dog to clean up after it immediately, if their dog defecates on public land to which the Order applies.

What land does this part of the Order apply to?

This part of the Order applies to all public land within the County Borough of Conwy. This includes areas such as parks and other open spaces, footpaths, highways, bridleways and other areas which another person could reasonably be expected to access.

This part does exclude your front and back garden but includes outdoor communal areas in a flat complex.

Where should I dispose of dog waste?

If your dog defecates on public land, the bagged waste can be placed in any public litter bin, dog waste bin or household waste bin. It is always the responsibility of the owner or person in control of the dog at the time to dispose of the waste responsibly.

I've bagged my dog's poo but there is no bin nearby. What should I do?

If there are no bins nearby you must keep hold of your bagged dog waste until you reach a public litter bin or dog waste bin, alternatively it can be taken home and put into your household waste bin. If you are unable to deposit the bagged dog waste as all nearby bins are full please report it via erf@conwy.gov.uk and they will be emptied.

Can I come back and clear the mess later or collect the bag I have hidden?

No, the mess deposited by your dog must be cleared immediately and any bag containing that mess must be removed without any delay.

Why can't I leave the bag until I come back the same way?

There is strong evidence that shows individuals may clean up after their dogs but then irresponsibly dispose of the bags that are full of faeces. This action constitutes an offence of littering and it may result in a Fixed Penalty Notice being issued.

I did not see my dog foul, is it still an offence?

When you are out walking your dog it will be your responsibility to watch your dog at all times and to ensure you clean up after it. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable means of removing the faeces, is not a reasonable excuse for failing to comply with the Order.

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2. Means to Pick up

What does this part of the Order require?

This part of the Order requires a person in charge of a dog to produce a means to pick up dog waste if asked to do so by an authorised Officer of the Council.

What land does this part of the Order apply to?

This part of the Order applies to all public land within the County Borough of Conwy.

How many bags will dog owners be expected to carry with them?

Sufficient, as it is never possible to predict how much mess a dog is likely to make when out on a walk. Dogs can suffer from upset stomachs so it is never possible to foretell what will happen when you are out for a walk.

My dog always fouls in the garden at home so I won't need to carry any bags will I?

Dogs cannot be considered to be completely predictable. It is impossible to guarantee that a dog will not foul during their walk in a public place. Dogs can suffer from upset stomachs and follow their natural instincts so carrying sufficient dog bags is an insurance against accidents and possible prosecution.

What will happen if I forget to take bags with me?

This would mean you have failed to comply with the requirements of the Order and a Fixed Penalty Notice May be issued.

What happens if my dog makes more mess than I anticipated and I run out of bags and an officer approaches me and asks if I have bags?

Always carry sufficient bags. Officers will however consider the explanations given to them and act fairly. Authorised Officers may issue advice about carrying sufficient means to clear dog mess for the future. They may require your details to evidence that suitable advice has been provided.

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3. Dog Exclusion

What does this part of the Order require?

This part of the Order requires that dogs be excluded from named exclusion zones within the County Borough of Conwy.

What land does this part of the Order apply to?

This part of the Order will apply to:

- All Fenced Childrens Play Areas
 - All Multi Use Games Areas
 - All Tennis Courts
 - All Skate Parks
 - All Bowling Greens
 - All Recreational Fields associated with Education Establishments
 - The Playing Area of All Marked Sports Pitches, and
 - Betws Yn Rhos Play Ground, Betws Yn Rhos
 - Capel Garmon Playing Fields, Capel Garmon
 - Cae Ffwyt Football Ground, Glan Conwy
 - Gyffin Playing Fields, Gyffin
 - Gower Road Recreation Area, Trefriw
 - The Llandudno / Craig Y Don Community Paddling Pool
 - Cae Llwyd Playing Fields, Cerrigydrudion
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- Beaches seasonally between 1st May and 30th September to include the seashore and foreshore as per i to vi below
 - i. Kinmel Bay – the area of the beach between low water mark and the promenade between the entrance to the beach from the car park St Asaph Avenue Kinmel Bay and the first entrance to the beach from the promenade in line with the end of ASDA car park
 - ii. Pensarn – the area of the beach between the low water mark and the promenade between the embedded wooden posts adjacent to the cafe building and the embedded concrete posts at the western extremity of the promenade.
 - iii. Llandudno North Shore – the area of beach between the low water mark and the promenade extending from Llandudno Pier to the first slipway (But not to include the slipway).
 - iv. Llandudno West Shore – the area of the beach between the low water mark and the promenade extending between the two stone groynes
 - v. Penmaenmawr – the area of the beach between the low water mark and the promenade from the breakwater wall to the slipway (but not to include the slipway) associated with the sailing club.
 - vi. Llanfairfechan – the area of beach extending between the low water mark and the promenade between the two slipways (but not to include the slipways)

Beaches 12 Month Exclusion as per vii – viii below

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- vii. Colwyn Bay – the area of the beach between the low water mark and promenade wall between the slipway (but not to include the slipway) serving Porth Eirias and the first stepped entrance to the beach to the left of the Pier
- viii. Rhos Point, Rhos on Sea – the small sandy portion of beach unwashed by the tide.

Can dogs be taken onto educational land when children are not in school?

No, the prohibition applies at all times as irresponsible dog owners allow their dogs to foul and fail to clear the mess, thereby exposing children to disease.

Are there any exceptions to this part of the Order?

Yes, if the school authority wish to grant permission for dogs to be allowed onto the land for specific reasons they can do so. If school authorities intend to hold events where the presence of dogs is to be permitted then the relevant officer at the Council must be informed in writing.

What are ‘marked’ sports pitches?

Areas that are clearly marked out as a sports area or pitch. The usual manner that such areas are identified is with white marking. The markings must be sufficiently clear, bold and continuous to clearly identify it as an area that is used for the purpose of sporting activities.

What if the areas are only used once a week or at weekends?

They will remain subject of the Order

Am I allowed to take my dog to the playing field which contains a marked sports pitch?

Yes, unless the area as a whole is an exclusion zone, taking your dog in the area surrounding the boundary of the marked sports pitch dogs would be permitted; dogs will solely be excluded from entering the marked pitch area.

What if my dog is kept on a lead, can I enter an Exclusion Zone?

The Order excludes dogs from certain areas whether on leads or not. Some dogs are restrained on extendable leads which does not prevent dogs having the opportunity to urinate and defecate without the owner being fully aware of what is happening. There is a strong likelihood that dogs will urinate and foul as they react naturally to smells irrespective of whether they are on leads or not.

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4. Dogs on Leads

What does this part of the Order require?

This part of the Order requires that all dogs are to be kept on leads within named ‘Dogs on leads’ areas within the County Borough of Conwy.

What land does this part of the Order apply to?

This part of the Order will apply to:

- Each and every length of road (which term includes pavements, footways and verges) which are subject to a speed limit of 40 mph or less
- All Cemeteries and Churchyards
- Cae Derw Playing Fields’ Llandudno Junction; excluding the fenced area designated for dog exercising,
- Betws Yn Rhos Sports Ground, Betws Yn Rhos
- Pentywyn Road Recreation Field, Deganwy
- The Oval, Llandudno
- Maesdu Road Recreation Ground, Llandudno
- Rowen Recreation Field, Rowen
- The Riverside Walk from the Bridge to Plas Y Dre Car Park, Llanrwst
- The Footpaths transversing and surrounding The Golf Club, Betws Y Coed
- North Wales Golf Club, Llandudno
- Llysfaen Community and Recreational Land, Dolwen Road, Llysfaen
- The Sand Dunes, Kinmel Bay
- Llanfairfechan Recreation Ground and Land surrounding the Boating Lake inclusive of the land as far as the furthest boundary of “Kingswood”, Llanfairfechan
- The Recreational Land surrounding the Football Pitch, Bowling Green and Multi Use Games Area, Llansannan
- Clwyd Park Recreation Field, Kinmel Bay excluding the fenced area designated for dog exercising
- All Car Parks
- Grwych Estate, Abergele
- The area of Bodlondeb Park containing the football pitch, cricket pitch and tennis courts, Conwy
- The pathway between Glan Yr Afon Road and Old Mill Road Dwygyfylchi
- The pathway between Conway Old Road and Old Mill Road, Dwygyfylchi
- The pathway between Ysguborwen Road to the garage adjacent to the A55 Dwygyfylchi

Is there a lead length requirement for dogs on leads?

Yes, you must use a lead no more than 2 meters in length; if you have an extendable lead, you must not extend it beyond 2 metres. Any such lead over 2 metres will not afford the control that is required to satisfy this part of the Order.

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5. Dogs on Lead by Direction

What does this part of the Order require?

This part of the Order requires a person in charge of a dog to put it on a lead if directed to do so by an authorised Officer of the Council.

What land does this part of the Order apply to?

This part of the Order applies to all public land within the County Borough of Conwy.

Is there a lead length requirement for dogs on leads by direction?

Yes, you must use a lead no more than 2 meters in length; if you have an extendable lead, you must not extend it beyond 2 metres. Any such lead over 2 metres will not afford the control that is required to satisfy this part of the Order.

What is a Lead?

For these purposes, a “lead” means any rope, cord, leash or similar item capable of being used to tether, control or restrain a dog. Therefore, if you put a dog on a leash but then fail to keep hold of it or to affix it to something suitable so that the dog remains under your close control, you will still commit an offence.

When can I be asked to put my dog on a lead?

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

Who can issue a direction, requiring a dog to be put on a lead?

The direction can be given by "an authorised officer of the Council". This has a wide meaning and means any person who is authorised in writing by the Council for the purpose of giving directions under the Order. This can include a person who is not an employee of the Council, such as employees of a contractor or a partner agency.

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Enforcement

What happens if I fail to comply with any part of the Order?

If the person in charge of a dog fails to comply with the requirements of the Order, they would be committing a criminal offence unless they have the consent from the owner, or occupier or person in charge of the land not to comply with the Order, or they have a reasonable excuse for failing to comply or they fall within any exemptions within the Order.

There must be sufficient evidence submitted to show that an offence occurred beyond a reasonable doubt before action can be taken.

Can I be issued with a Fixed Penalty Notice?

Yes, a fixed penalty notice may be issued to a person who breaches this Order, offering them an opportunity to discharge their liability to prosecution by making a one off payment of £100.

When does the fixed penalty have to be paid?

It must be paid within 28 days from the date of the issuing of the Notice.

What happens if I don't pay my fixed penalty?

If you don't pay the fixed penalty notice within the permitted period, it is likely that you will be prosecuted in the magistrate's court.

What is the maximum penalty for breaching the order?

A person who is found guilty of an offence in the Magistrate's Court is liable on summary conviction to a fine not exceeding level 3 on the Court's standard scale of fines (currently £1000).

The circumstances must pass the full evidential code and be in the public interest before a Fixed Penalty Notice (FPN) is issued or a prosecution follows.

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Other Matters

Who is considered to be in charge of the dog?

The person who has a dog in their possession is deemed to be in charge of the dog at the time when an offence occurs. That person does not have to be the owner of the dog. This means that if your dog defecates in a public place, enters an exclusion zone or breaches the Order in any way, it is the person who is in control of it at that time. If you have allowed someone else take your dog out for a walk, they will be in charge of it for the duration of the walk.

Does the Order Apply to Working Dogs?

The Order does not apply to the normal activities of working dogs, whilst the dog is working. Therefore, we will not issue a fixed Penalty notice or prosecute if we are satisfied that a dog was working at the time the Order was breached.

For example, we will not prosecute any breaches committed by:

- Any dog being used for emergency search and rescue work.
- Any dog being used for law enforcement work.
- Any dog being used by Her Majesty's Armed Forces.
- Any dog being used for the herding or driving of cattle or sheep.
- Any dog being lawfully used for the capture or destruction of vermin.
- Any hounds or dogs that are being lawfully used for the purposes of hunting.

If you have a dog that you use for work, the Order will still apply to the dog when it is not working.

How will I know where the Order is in Force?

Dog Fouling, Dogs on Leads by direction and means to pick up are County-wide offences and therefore advisory warning signs will be placed in hotspot areas.

Designated dog exclusion and dog on leads areas will have advisory signs placed at entrances to the areas.

Information on the Order will be available on the Council's website.