

Dog Control Public Space Protection Order

1. INTRODUCTION

All people must have a time and place to relax and enjoy, and to undertake activities, hobbies or whatever is important to them. Being free to do this is very important, and one person's activities should not take precedence over another's – there needs to be consideration for others and the diverse interests, needs and wishes of all in society.

This means that the Council has a responsibility to help create conditions in the county that enable all to fully enjoy it, however they choose, including in the many beautiful areas, public spaces, parks and beaches here. Sometimes this can mean creating rules to ensure this happens.

The consultation is specifically about the control of dogs, but in general it is about helping to ensure responsible behaviour.

Most dog owners are very responsible - taking a poop scoop or bags with them when out with their dog, not allowing it to enter playgrounds for example, and keeping their dog on a lead and under close control when required. Unfortunately however, some dog owners do not behave responsibly, and this has a detrimental and adverse impact on others, be they dog or non-dog owners alike.

This document therefore sets out the background, justification and proposals for dog control in the county for the next 3 years. The aim is to create a balance whereby dog owners can enjoy their dogs and ensure their welfare, whilst at the same time enabling others to enjoy public spaces without interference or impact from dogs and irresponsible dog ownership.

2. BACKGROUND

2.1 County dog ownership

In the UK, currently about 1 in 2 households own a pet¹ with around 20 million pets owned (excluding fish). Of the 20 million, 8.5 million are dogs. Conwy has 51,650 households², so if the national statistics apply to Conwy there would be approximately 11,000 households in the county with a dog, or 1 in 5 households (20%).

2.2 Impacts

As an Authority we continue to receive a high number of complaints every year in relation to irresponsible dog ownership, including dog fouling and uncontrolled dogs causing alarm, accidents, straying and even attacking other animals or people.

A significant amount of work therefore is required to be undertaken by Council officers as a result of this. There is also the environmental clean-up cost to the Council in relation to dog fouling and irresponsibly disposed of bags containing dog faeces.

¹ <https://media.rspca.org.uk/media/facts>

² <http://www.conwy.gov.uk/en/Council/Statistics-and-research/Housing/Housing-in-Conwy-County-Borough-research-bulletin.aspx>

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On top of Council dog control activities, North Wales Police work in relation to dangerous and aggressive dogs is significant and increasing. Despite this control work, from both the Police and the Council, there are still significant issues, complaints and consequences of irresponsible dog ownership in the County needing to be dealt with.

In order to address dog control issues and provide a safer and cleaner environment for residents and visitors to Conwy County Borough Council, in 2012 the Council undertook a largescale public consultation, following which it brought into force Dog Control Orders pursuant to The Clean Neighbourhoods and Environment Act 2005 dealing with:

- Dog Fouling
- Dog Exclusion
- Dogs on Leads
- Dogs on Leads by Direction

The introduction of these Orders has had a number of positive effects across the County, contributing significantly to the quality of the environment, helping to ensure dogs are controlled and our public spaces and playgrounds are cleaner, enabling them to be enjoyed more. Specifically in relation to dog fouling, this was found on only 5.3% of Conwy's streets in 2017 as opposed to 16.5% in 2012³. Data from Keep Wales Tidy surveys also shows that from being just below the Wales average in 2012, Conwy's Street Cleanliness Index has been steadily increasing, now being 2.9% above the Wales average, which itself has only increased by 0.7% over the same period. There are still however significant numbers of complaints and instances of irresponsible dog ownership in the county.

On the 20th October 2017 the power to make Dog Control Orders was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), which then gave Local Authorities powers to deal with anti-social behaviour, such as uncontrolled dogs and irresponsible dog ownership, through the use of Public Space Protection Orders (PSPO's). The Act stated that any Dog Control Orders in force at the commencement date (20th October 2017) would on that date automatically become a PSPO, having the same content as the previous Dog Control Orders. PSPO's will last for 3 years, following which time, there will need to be a review to determine whether the Order should be discharged, varied, extended, repealed or amended. It is the PSPO that came into force from 20th October 2017 that is the subject of this consultation, and the proposals to amend it.

As an Authority we want to continue to promote and ensure responsible dog ownership, including through appropriate and necessary enforcement and education. Given the Dog Control Orders have been in force since 2012, it is appropriate now to review the current controls in place to ensure they remain relevant and effective in maintaining a cleaner, healthier and safer place to live, work and visit, and continue to balance the competing and different rights of dog owners and non-dog owners.

³ Conwy LAEMS Report 2017 – 18, see CCBC Dog Control consultation webpage at <http://www.conwy.gov.uk/pspo>

2.3 Why introduce an amended PSPO?

At Conwy County Borough Council we recognise that many dog owners act responsibly and keep their dog or dogs under control, which includes clearing up after them in a public place. Unfortunately however there are some inconsiderate dog owners who cause many problems for the community as a whole.

The proposed amended PSPO will provide a means for the authority and Police to continue to deal with the irresponsible dog owners in the community in an efficient and effective manner, whilst encouraging a culture of responsible dog ownership.

The PSPO will continue to build on the positive effects the measures enforced by the Dog Control Orders have achieved so far and will lead to a more pleasant environment, ensure cleaner sporting and play areas for children and adults, and reduce the likelihood of serious health problems associated with dog faeces.

The Order will actively further the promotion of responsible dog ownership through reasonable and proportionate enforcement and education to ensure compliance.

3. PSPO CONTENT SUMMARY

3.1 What will be included in the proposed amended PSPO?

Subject to some changes and additions detailed in this consultation below, the proposed amended PSPO will have substantially the same controls as are currently in force, being:

a. The Fouling of Land by Dogs

It will be an offence for any person in charge of a dog which defecates on land specified within the Order, to fail to remove the faeces forthwith, unless they can show a reasonable excuse for failing to do so, or the owner/occupier of the land has consented to their failing to do so.

b. The Dogs Exclusion requirements

It will be an offence for any person in charge of a dog to take the dog or permit the dog to enter or remain on land within a Dog Exclusion Zone unless they can show a reasonable excuse for doing so, or the owner/occupier of the land has consented to their doing so.

c. The Dogs on Leads requirements

It will be an offence for any person in charge of a dog to fail to keep the dog on a lead at all times on any land which is specified in the Order.

d. The Dogs on Leads by Direction requirements

To make it an offence for any person in charge of a dog to fail to put and keep that dog on a lead when directed to do so by an authorised officer or agent of the Council or by a Police Officer in respect of any land which is open to the air and to which the public are entitled or permitted to have access.

3.2 Will there be any changes to the existing controls in the PSPO?

As previously stated the Council are taking this opportunity to review the current controls to ensure they remain relevant and effective in maintaining a cleaner, healthier safer place to live, work and visit, and continue to balance the competing and different rights of dog owners and non-dog owners.

Maps showing the existing control areas and proposed changes are shown in Appendix 1 and described below.

4. PSPO CONTENT DETAIL

a. The Fouling of Land by Dogs

4.a.1 Current Position – under The Fouling of Land by Dogs (County Borough of Conwy) Order 2012 (and the PSPO which came into force from 20th October 2017), if a dog defecates at any time on land to which the current PSPO applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence.

The current PSPO applies to all land within the administrative area of the Council which is open to the air to which the public are entitled or permitted to have access with or without payment.

4.a.2 Rationale

Besides the unpleasant smell and the mess created by dog fouling when it gets on for example pram wheels, wheelchairs, shoes and clothing etc., the dangers to health from dog faeces are well documented. Research into health implications concludes that Toxocariasis is a disease found in animal faeces and is caused by the eggs of the roundworm toxocara. These can be passed from dogs to humans through contact with animal faeces and contaminated soil. Children are particularly at risk and infection can lead to illness and even loss of sight.

This is an entirely preventable health risk and the main reason that dog owners should clean up after their pets. Freshly deposited faeces are not infectious because toxocara eggs do not become infectious for at least 2 – 3 weeks after the faeces have been deposited. Therefore there is no risk of catching toxocariasis whilst clearing up straight after a dog.

4.a.3 Proposal – No change, the amended PSPO should reflect this commitment exactly.

b. Means to Collect Dog Waste

4.b.1 Current Position – No Such Control currently in place

4.b.2 Rationale

This Authority deems it reasonable that a person in charge of a dog whilst out walking should be carrying sufficient means of collecting dog faeces produced by the dog in their charge to ensure that any dog faeces is removed from public land forthwith. Not to have such a means would represent irresponsible dog ownership. If a person cannot produce a

suitable means of collection then it is presumed that the faeces is not able to be removed and any such dog faeces would remain in situ on the land.

4.b.3 Proposal – The amended PSPO would require that dog walkers be able to produce sufficient means to collect dog faeces when walking a dog in areas where the Order applies. Should they not have any such means, ascertained following approach by an authorised officer, a breach of the PSPO would have occurred.

c. The Dogs Exclusion

There are many areas in the county without any Dog Exclusion Zones, where dog owners are free to take their dogs in a responsible manner. In order to balance the interest of those with dogs and those who want to enjoy the Counties open spaces without the potential to be disturbed by dogs, some Dog Exclusion Zones were introduced in 2012. These cover a very small percentage of the counties total area of 113,000⁴ hectares.

4.c.1 Current Position – under The Dogs Exclusion (County Borough of Conwy) Order 2012 (and PSPO which came into force from 20th October 2017) a person in charge of a dog shall be guilty of an offence if, during the times specified within the current PSPO, that person takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies. The land to which the Order applies is listed as follows:

- 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
 - Betws-Yn-Rhos Play Ground, Betws-Yn-Rhos
 - Capel Garmon Playing Fields, Capel Garmon
 - Cae Ffwf Football Ground, Glan Conwy
 - Gyffin Playing Field, Gyffin
 - Gower Road Recreation Area, Trefriw
 - Maes Aled Play Ground, Llansannan
 - The Football Pitch, Bowling Green and Multi Use Games Area, Llansannan
 - The Football Pitch, Bowling Green, Swimming Pool, Tennis Courts and Children’s Play Area, Llanfairfechan
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- Beaches seasonally between 1st May and 30th September to include the seashore, foreshore and any slope or staircase leading onto the beaches as per i to viii below:
- i. Rhos on Sea – the area of the beach between the low water mark and the promenade wall between Rhos Point and the eastern end of the Cayley Promenade
 - ii. Colwyn Bay – the area of the beach between the low water mark and promenade wall between Victoria Pier and the promenade entrance to Eirias Park.

⁴ <http://www.conwy.gov.uk/en/Resident/Education-and-Families/Assets/documents/Early-Years-Childcare-and-Funding/Conwy-Geographical-Wellbeing-Areas.pdf>

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- iii. 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.
- iv. Kinmel Bay – the area of the beach between low water mark and the promenade between a point in line with Dinas Avenue Kinmel Bay and a point in line with Sandbank Road Towyn
- v. Llandudno North Shore – the area of beach between the low water mark and the promenade extending from Llandudno Pier to Clarence Road.
- vi. Llandudno West Shore – the area of the beach between the low water mark and the promenade extending between the two stone groynes
- vii. Penmaenmawr – the area of the beach between the low water mark and the promenade from the east side of the café situated on the promenade and the slipway associated with the sailing club.
- viii. Llanfairfechan – the area of beach extending between the low water mark and the promenade between the two slipways
 - Beaches 12 Month Exclusion
- ix. Rhos Point, Rhos on Sea – the small sandy portion of beach unwashed by the tide.

4.c.2 Rationale

Children's play areas are considered to be areas enclosed on all sides by a fence, gates, walls or other structure that marks a boundary containing play equipment such as swings, slides, climbing frames and other similar apparatus. As an Authority we believe children should be free to play in these areas without the risk of them coming in to contact with dog faeces and dog urine. Additionally as with some adults, some children are frightened of dogs whatever breed and size, and should have the opportunity to play free from this fear.

Multi Use Games Areas, tennis courts, skate parks and bowling greens are solely for the use of individuals to participate in sporting activities where dogs are simply without purpose. The playing area of all marked sports pitches is included as again such areas are used predominantly for organised sporting activities such as football or rugby, both of which can involve close contact with the ground. Toxacara, a result of dog foul, can remain in the soil for extended periods of time, thus a potential danger will exist with such contact and put those who utilise the area at risk.

As with children's play areas, fields associated with educational establishments are required to be safe and clean areas for children and students to frequent and participate in games and sporting activities. Unfortunately this authority has received numerous complaints from sporting organisations and schools who have had to stop their activities to clear dog fouling from a pitch or school field as a children or team member has fallen and come into contact with dog faeces or remains after inadequate clearing.

Along the coast of Conwy we are lucky to have the most outstanding and beautiful beaches for residents and visitors to enjoy throughout the year. In the summer months particularly, beach use increases greatly. The quality of our beaches and the good weather experienced in North Wales encourages many people to visit, including dog owners. This can lead to a sharp increase in incidents and complaints relating to dogs out of control and dog fouling.

We do fully appreciate that everyone should be able to enjoy the beautiful beaches, therefore to balance the competing rights of dog owners and non-dog owners, dogs are excluded from certain sections of beaches for the summer season only unless the beach is dry beach which will not be washed by the tide, where dogs are then dogs excluded permanently.

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Conwy is renowned for over 73 km of stunning coastline, and many of its beaches have received a range of accolades in the Keep Wales Tidy Coast Awards⁵. Additionally as an Authority we have been successful in obtaining the Blue Flag Award for many of our beaches⁶, which is an international award presented to well managed beaches with excellent water quality and environmental education programmes. This is a huge boost to the tourist industry within this Authority, and for an area to be considered for a Blue Flag award it must meet certain criteria, one of which is that access to the beach by dogs and other domestic animals must be strictly controlled⁷. A further specific requirement is that during the bathing season in England and Wales, dogs must be excluded from the beach⁸. This is achieved by the use of the current Dog Exclusion Controls in the current PSPO.

The other dog exclusion areas listed under the current PSPO have been included as areas where high incidences of complaints have been received in relation to fouling or dogs not under proper control preventing the use of the land for its purpose by the community as a whole, which as most of the locations state, is recreation and play.

4.c.3 Proposal - For all areas listed to remain as dog exclusion zones within the amended PSPO **excepting** the beaches which should be **added, amended in description, area or length of time as follows**:

- 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
- Llandudno North Shore – the area of beach between the low water mark and the promenade extending from Llandudno Pier to the first slipway only (but not to include the slipway).
- 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.
- 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

- 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

and

- The Llandudno / Craig Y Don Community Paddling Pool
- Cae Llwyd Playing Field, Cerrigydrudion

With the following beaches removed:

⁵ <http://www.conwy.gov.uk/en/Spotlight/Press-Releases/Coast-Awards-for-Conwy-County-Beaches.aspx>

⁶ <http://www.conwy.gov.uk/en/Resident/Leisure-sport-and-health/Coast-and-Countryside/Seaside/Beaches-and-Promenades/Seaside-Awards.aspx>

⁷ <https://www.keepwalestidy.cymru/blue-flag-beaches>

⁸ <http://www.theseasideawards.org/blueflagawardcriteria/2128>

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- Rhos on Sea – the area of the beach between the low water mark and the promenade wall between Rhos Point and the eastern end of the Cayley Promenade
- Colwyn Bay – the area of the beach between the low water mark and promenade wall between Victoria Pier and the promenade entrance to Eirias Park.

4.c.4 Reason – As already stated, the Council fully appreciates that everyone, both dog owners and non-dog owners alike, should be able to enjoy the beautiful beaches within Conwy, however dogs do need to be excluded from small sections of some beaches for all of the aforementioned reasons.

That said, since 2012 a number of the beaches originally included within the Dog Control Orders have been developed, altered or changed their points of access. To simplify the locations of, and access points to, the seasonal Dog Exclusion beaches, whilst ensuring the Council continues to balance in a fair and appropriate manner the competing rights of dog owners and non-dog owners, we have adapted the seasonal beach areas and included these within the proposed amended PSPO. Under the current PSPO, 6.25 Km of the Counties 73 Km of coastline has a permanent or seasonal dog exclusion. Under the proposed amended PSPO, this would reduce to 3.3km.

The one significant change to the beach exclusion zones is that since the development works in Colwyn Bay on the Promenade, the beach from Porth Eirias towards Rhos on Sea has now become a dry beach, in that it is now unwashed by the tide, just like the small sandy beach in Rhos on Sea. This means that should irresponsible dog owners allow their dogs to foul on this section of beach and fail to clean up, or leave residue if they do, the fouling will remain in situ. This will present unpleasant and dangerous implications from dog fouling to beach users. To that end, to minimise risk, the area of beach between Porth Eirias and the first stepped entrance to the beach to the left of the pier has been included in the proposed amended PSPO as a 12 month exclusion for dogs.

The paddling pool at Craig Y Don / Llandudno has been included within the proposed amended PSPO as another area where we believe children should be free to play without the risk of them coming in to contact with dog faeces and dog urine. Additionally as with some adults, some children are frightened of dogs whatever breed and size, and should have the opportunity to play and relax free from this fear.

d. The Dogs on Leads

4.d.1 Current position – under The Dogs on Leads (County Borough of Conwy) Order 2012 (and PSPO which came into force from 20th October 2017) a person in charge of a dog shall be guilty of an offence if at any time, on any land to which the current PSPO applies that person does not keep the dog on a lead of not more than 2 metres in length. The land to which the order applies is listed as follows:

- 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
- Pentwyn Road Recreation Field, Deganwy
- Clwyd Park Recreation Field, Kinmel Bay

- 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, Llanfairfechan
- The Recreational Land surrounding the Football Pitch, Bowling Green and Multi Use Games Area, Llansannan

4.d.2 Rationale

Under the Road Traffic Act 1988 S.27⁹ it is a criminal offence for a dog to be on a designated road without being held on a lead. Furthermore, no matter how well trained, a momentary lapse in concentration or the dog becoming startled, can lead to a dog bolting which could cause a serious accident or injury to another animal, pedestrians or the driver and passengers in a vehicle.

It is important also that all road users are aware of the Highway Code and are considerate towards each other. This applies to pedestrians as much as to drivers and riders. In particular, Rule 56 of The Highway Code states:

“Dogs. Do not let a dog out on the road on its own. Keep it on a short lead when walking on the pavement, road or path shared with cyclists or horse riders.”

The Highway Code may be used in evidence in any court proceedings under the Traffic Acts. For further information see Appendix 2.

Cemeteries and churchyards are sensitive areas; owners taking their dogs into these locations and allowing them to wander freely can lead to dogs defecating and urinating on graves, which is unacceptable and results in an unpleasant environment where peace and respect should be paramount. It speaks for itself that dogs should under proper control particularly in such locations.

The other areas listed under the current PSPO have been included as areas where high incidences of complaints have been received in relation to fouling or dogs not under proper control preventing the use of the land for its purpose by the community as a whole (dog owners and non-dog owners alike), which as most of the locations state is recreation. In addition to this, areas are included to prevent out of control dogs disturbing rare and breeding birds and other wildlife and at the request of the request of land owners/ occupiers and Town and Community Councils.

4.d.3 Proposal- For all areas listed to remain as dogs on leads requirements within the amended PSPO excepting:

⁹ <http://www.legislation.gov.uk/ukpga/1988/52/section/27>

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- Clwyd Park Recreation Field, Kinmel Bay which should be amended to say Clwyd Park Recreation Field, Kinmel Bay excluding the fenced area designated for dog exercising;
- Llanfairfechan Recreation Ground and Land surrounding the Boating Lake inclusive of the land as far as the furthest boundary of “Kingswood” , Llanfairfechan

and with the addition of the following locations:

- All Car Parks
- Gwrych Estate, Abergele
- The area of Bodlondeb Park containing the football pitch, cricket pitch, tennis courts and children’s play area, 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 from Ysguborwen Road to the garage adjacent to the A55/Maes Y Llan, Dwygyfylchi

4.d.4 Reason – As with the highway, a car park is an area for simply parking cars. A dog off lead in a car park presents just the same hazard as a dog off lead on the pavement, in that an uncontrolled dog could cause a serious accident or injury to another animal, pedestrian or the driver and passenger of a vehicle.

The remaining areas have been proposed following requests from Members and land owners due to high incidences of complaints in relation to dog fouling and dogs not being under proper control, attacking other dogs, and attacking, chasing and even killing livestock, which is an offence in its own right as set out in section 9 of the Animals Act 1971. Such incidences are extremely distressing and financially damaging for farmers who are permitted to shoot dogs that are worrying, or are about to worry, livestock. In such circumstances, the farmer is not liable to compensate the dogs owner. Such incidences are entirely preventable however if a dog is under proper control by way of a lead, hence the inclusion of the areas presented in the proposed amended PSPO.

e. Dogs on Leads by Direction

4.e.1 Current Situation - under The Dogs on Leads by Direction (County Borough of Conwy) Order 2012 (and PSPO which came into force from 20th October 2017) a person in charge of a dog is guilty of an offence if at any time, on any land to which the current PSPO applies, that person does not comply with a direction given by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length.

This PSPO applies to all land within the administrative area of the Council which is open to the air to which the public are entitled or permitted to have access with or without payment.

An Authorised Officer on witnessing an offence can give a direction if restraint of the dog is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which the PSPO applies, or the worrying of any animal or bird.

4.e.2 Rationale

As previously mentioned the Council recognises that the majority of dog owners are responsible and keep their dogs under control whilst taking them on public land.

However, if they are not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause road traffic accidents, and can cause nuisance or injury to members of the public and to other animals.

Having the power to require someone to place their dog on a lead when it is causing a nuisance provides a flexible, visible tool to tackle any problems when they do occur.

The Council accepts that dog owners need to be able to exercise their dogs off a lead in open spaces for animal welfare reasons, and are of the opinion that this part of the PSPO strikes a fair and sensible balance - it still allows people to walk their dogs off lead in public areas, but gives the Council the power to deal with any problems as and when they occur, by requiring people to place their dog on a lead. Dog owners of course should behave responsibly at all times, not allowing their dog to interfere with others.

4.e.3 Proposal – No Change, to be reflected exactly in the amended PSPO

f. Fixed Penalty Notice amount

The current amount for a breach of the dog fouling element of the PSPO in place from 20th October 2017 is £100. A £75 charge applies to a breach of any other part of the current PSPO.

The Polluter Pays Principal is that those who are responsible for any environmental damage/irresponsible behaviour should pay for the consequences of such and prevention work.

There is a cost to the council in undertaking education, publicity and enforcement aimed at reducing irresponsible dog ownership. There is a desire however to do much more, including erecting better and additional signage, increasing education and to provide sufficient resources to enhance the environment in which we live.

With a view to help provide a more sustainable prevention and education program, it is proposed to increase all Fixed Penalty Notice charges under the proposed amended PSPO to £100.

5. PUBLICITY/AWARENESS

5.1 How Will a Person Know Where The Order Applies?

The amended PSPO will include many of the existing controls and locations already in operation throughout the County Borough of Conwy, so it is anticipated that many residents and frequent visitors will have prior knowledge. That said, we appreciate that this will not always be the case, so there will be signs in sufficient numbers with clear instructions and diagrams where the amended PSPO is in operation. In addition to this, where appropriate, the ground will be so marked with a stencil detailing such controls in place.

Information will also be available on the council's website, through social media and digital information boards, in leaflet form at tourist information centres, libraries and other public buildings as well as verbally by contacting the Authority direct.

That said, responsible dog owners would exhibit responsible dog ownership at all times and places, whether there was any signage or not.

6. IMPLEMENTATION

6.1 Education and Publicity

Whilst an essential element unfortunately, we do not believe that enforcement alone is the key to ensuring responsible dog ownership. We therefore undertake prevention and education work by implementing the “Keep it Clean – No Messing Campaign”.

As part of this campaign, Conwy Ambassadors have been employed to, amongst other things, educate and raise awareness of dog fouling and littering in schools, at community groups, residents associations and for housing association tenants alike. They erect signage, patrol dog fouling and littering hotspots, undertake clean ups and litter picks and are out and about in general across the County and at events and shows to provide information, free dog bags and advice on responsible dog ownership. When out and about, they engage with visitors and members of the public to promote these responsible behaviours.

The Keep it Clean – No Messing Campaign and enforcement systems have proved to be a huge success and have indeed increased community and business involvement in improving the local environment and encouraged everybody to take responsibility for the beautiful areas where they live, work and visit and enjoy.

6.2 Enforcement

6.2.1 What Happens If I Fail To Comply With Any Part Of The Order?

If a person fails to comply with the requirements of the amended PSPO this will be a criminal offence unless they have reasonable excuse or the consent of the land owner. As with the Dog Control Order previously and current PSPO the preferred course of action in most cases will be the issue of a Fixed Penalty Notice. In some circumstances it may be deemed that a person is not suitable to be issued with a Fixed Penalty Notice and the council may decide to prosecute them instead. Such circumstances could include if the person breaching the PSPO behaves inappropriately towards an enforcement Officer or has been issued with a Fixed Penalty Notice previously for the same offence.

6.2.2 Fixed Penalty Notices

A Fixed Penalty Notice, if issued, offers a person an opportunity to discharge their liability to prosecution by making a one off payment. The acceptance of a Fixed Penalty Notice is not an admission of guilt; the recipient will not have to attend Court and will not receive a criminal conviction.

Prior to issuing a Fixed Penalty Notice, Authorised Officers must justify their actions and secure sufficient evidence to show beyond all reasonable doubt that there has been a breach of any part of the PSPO, and the circumstances must pass the full evidential code and be in the public interest.

The level of Charge imposed for breaching the proposed amended PSPO is proposed to be set at £100. This represents an increase of £25 from the previous £75 charge set for Dog

Exclusion, Dogs on Leads and Dogs on Leads by Direction. The charge for Dog Fouling is proposed to remain at the current £100 set charge.

6.2.3 What is the Maximum Penalty for Breaching the Order?

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

6.2.4 Who will Enforce the Order?

The Order will be enforced by any person authorised by Conwy County Borough Council, to include contracted enforcement companies, Police Community Support Officers and relevant Council Staff.

6.2.5 Will anyone be Exempt from 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.

7. CONCLUSION

There is a diverse range of activities dog owners and non-dog owners alike undertake to enjoy the counties open spaces. If all such activities were carried out responsibly, having complete regard to and respect for others, there would be no cause for complaint, which sadly is not the case.

Any ownership or activity of choice brings with it responsibilities. When driving a car, or riding a horse, for example, those doing so have a responsibility to know and comply with any laws, rules or regulations in place such as - where can I go? When? How? What do I need to carry or have? Are there any restrictions etc.? The same is true of dog ownership, responsible dog owners knowing and ensuring that their dogs do not interfere or impinge on others. They recognise that not everyone shares their love of dogs – as we know, some people are quite the opposite.

The contents of the proposed amended PSPO therefore are designed to ensure that the basic elements of responsible dog ownership are set into enforceable requirements to enable the enjoyment of the counties open spaces by all.

8. CONSULTATION & WHAT HAPPENS NEXT?

8.1 Who are we Consulting on this Proposal?

By virtue of section 72 of the Act, after 20th October 2017, before introducing any new or amended PSPO, the Council is obliged to consult with the chief officer of Police, The Office of Police and Crime Commissioner, Parish/Town councils if applicable, Highways Authority if applicable, Community Representatives as appropriate

We shall also be consulting with the general public, elected members and owners / occupiers of land covered within the proposed amended PSPO as well as other stakeholders who may be affected.

8.2 How Can I Comment on the proposed amended PSPO?

Anyone can give their views about the proposed amended PSPO during the consultation period which will **start on 22/01/2018 and finish on 23/02/2018**. You can do this by completing the consultation response form at <http://www.conwy.gov.uk/pspo>. Please email any completed forms to PSPOconsultation@conwy.gov.uk or send them by post to:

PSPO Consultation
Regulatory & Housing Services
Civic Offices
Colwyn Bay
LL29 8AR.

Alternatively, paper copies will be available at the reception of the Civic Offices, Abergele Road, Colwyn Bay LL29 8AR. They should be completed and returned to the above address.

8.3 Who decides what happens next?

After the consultation period, the Council will consider all views received, following which a report will be presented to the Economy and Place Scrutiny Committee to consider any next steps.