

## Dog Control Public Space Protection Order

### 1. INTRODUCTION

1.1 As a means to help address irresponsible dog ownership and antisocial behaviour, the Council has had dog controls in place for many years. These were originally byelaws, then subsequently Dog Control Orders. On the 20th October 2017, as a requirement of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'), the Council's previous Dog Control Orders became a single Public Space Protection Order (PSPO). This change was automatic in law.

1.2 The Council is reviewing this PSPO, having undertaken a public consultation.

#### Consultation results

1.3 Between 22/01/18 and 22/02/18 the Council consulted publicly on a **proposed amended PSPO**, see appendix 1. Full details of that PSPO, consultation and results are available on the councils website at <https://www.conwy.gov.uk/en/Resident/Environmental-problems/Dog-Issues/Dog-Control-Orders/Dog-Control-Public-Space-Protection-Order-Consultation.aspx>.

1.4 The proposals aimed to create a balance so that dog owners can enjoy their dogs and protect their welfare, whilst at the same time enabling others to enjoy public spaces without interference or impact from dogs and irresponsible dog ownership.

1.5. The consultation showed there was strong public support for the proposals as follows:

- Controls for dog fouling (88% in favour);
- Requiring a person in charge of a dog to produce an appropriate means to pick up dog faeces when asked by an authorised officer (77% in favour);
- Dogs on leads (71% in favour);
- Dogs of leads by direction (73% in favour);
- Raising the Fixed Penalty Notice amount for all dog control offences to £100 (64% in favour).

1.6. The main area where support was less strong, was in relation to Exclusion Zones for dogs on beaches (49% in support, 48% against with 3% not expressing a view).

#### Further amended 'new draft PSPO'

1.7. The results of the consultation and comments received, together with additional representations, were considered by Members of the Economy and Place Overview and Scrutiny Committee on 05/02/20 and the Councils Cabinet on 11/02/20.

1.8 Cabinet **RESOLVED** (see **item 775**) –

**“That the new draft Public Space Protection Order (PSPO) referenced in Appendix 2 of the report be approved, subject to a further one month consultation on the changes proposed (highlighted in yellow), with the following amendment:-**

## Second Public Consultation: Explanatory Note

---

- (i) Remove (t) (North Wales Golf Club excluding the footpaths traversing the course) from Schedule 3 – Dog Excluded (Year Round Prohibition) and include within Schedule 5 – Dogs on Leads.

The New draft PSPO was therefore amended to incorporate the above. Some further changes have also subsequently been incorporated, following Member requests, as agreed by the Portfolio Holder for Regulatory and Housing Services, Cllr Charlie McCoubrey. A final **New Draft PSPO**, see appendix 2, has now been produced for a second statutory and public consultation, with full plans/maps for **all** areas covered being shown in appendix 3. This new draft at appendix 2 highlights changes to that previously consulted on. The proposed changes are described below and highlighted. **Wording proposed to be removed is highlighted in yellow**, whilst **additions/amendments are highlighted in green**. **It is only these changes which are the subject of this second consultation. Plans/maps showing these changes by area are shown in appendix 4, “PSPO maps for consultation questionnaire”.** The relating consultation questionnaire is shown in appendix 5.

### 2. CHANGES BEING CONSULTED ON

#### **SCHEDULE 3 – DOGS EXCLUDED (YEAR ROUND PROHIBITION)**

(2) k **Top Llan Road Playing Field, Glan Conwy**

Following a local public vote, Glan Conwy Community Council have now requested that this area be removed from the list of locations which were proposed to have year round dog exclusions. The reasons for this are to ensure at least 1 of the 2 open green spaces in Glan Conwy may be available for responsible use by dog owners.

(2) k **Llanrwst Road Playing Field, Glan Conwy**

Glan Conwy Community Council have requested that this area be included because there have been many complaints regarding the presence of dog fouling on the playing field. A children’s play area is also located there. Despite the erection of signs, dog fouling still continues, so legally excluding dogs from this area is now requested, which will only be possible if this area is included within the new draft PSPO.

(2) p **Llanelian Community Field, Llanelian**

Llanelian Community Council have asked that the area described in the new draft PSPO be included as a dog exclusion area because of persistent dog fouling taking place at that location. Educational and promotional work aimed at ensuring responsible dog ownership has been undertaken by both the Community Council and officers from Regulatory & Housing Services, but dog fouling still persists in that area. There are calls now for legally excluding dogs from this area, which can only take place if the area is included in the new draft PSPO as described.

(4) n **The Llandudno / Craig Y Don Community Paddling Pool**

This area was proposed to be covered by a dog exclusion, however dog owners expressed concern that they would then not be able to access the public toilets or use the café there.

## Second Public Consultation: Explanatory Note

---

This proposal will not therefore be taken forward; instead it is proposed that the area be included in the new draft PSPO as a Dogs on Leads area.

(2) t ~~Colwyn Bay Beach – 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 entrance to the beach to the left of the pier, in line with Colwyn Bay Station~~

In order to balance the needs of dog and non-dog owners, and to enable the benefits of the new Colwyn Bay beach amenities which have been created to be fully realised, a dog exclusion was proposed as described above. This was not fully supported during the consultation, so this original proposal is being removed.

(2) t ~~Colwyn Bay Beach – the area of the beach between the low water mark and promenade wall between the most seaward point of the Porth Eirias promontory and eastern side of the Colwyn bay pier line~~

A smaller dog exclusion area as described above is now proposed to balance the needs of dog and non-dog owners, and to enable the benefits of the new Colwyn Bay beach amenities to be realised. Given that the remainder of the newly created beach in Colwyn Bay is unwashed by the tide, it will be necessary for users of that area to behave responsibly as regards waste and dog ownership at all times.

(2) v ~~Minafon Community Field, Old Colwyn~~

This former open green space was used for dog walking and was strewn with dog fouling, limiting its effective use by all in the community. It adjoins the Ysgol T Gwynn Jones. ERF have now converted this former open green space to a family friendly park and adventure area for children to use, with bench seating, picnic benches and a wild flower meadow of pollinators. The site abuts the school and is used by the children during term time. A request has been received from ERF that a year round dog exclusion be put in place to cover this area, so that the new park can be effectively used and enjoyed by all. It is proposed therefore that this area is included within the new draft PSPO.

(2) w ~~Proposed Rhos on Sea Woodland/Biodiversity area, Brookfield Drive, Rhos on Sea~~

A new wooded area is proposed to be created in the area described above. In order for the benefits of this new area to be fully realised a local member has proposed dogs are excluded.

### **SCHEDULE 4 – DOGS EXCLUDED (SEASONAL PROHIBITION)**

(4) ~~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 near Woodside Avenue, Kinmel Bay~~

The Towyn & Kinmel Bay Town Council have made representations that they would want to see the seasonal dog restriction removed from the area described in the original proposed amended PSPO which was consulted on, so there would then be no seasonal or any other dog exclusion in place at that location. The effect of this would mean that it may not be possible for that area to continue to have a Blue Flag Seaside Award.

## Second Public Consultation: Explanatory Note

---

(1) c 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) near the children's Play Area

Penmaenmawr Town Council did not support the location described above so that wording is being removed

(3) d 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.

Penmaenmawr Town Council advised during the consultation they wanted for the seasonal dog exclusion as existing to remain in place. The wording above achieves this.

(1) d Llanfairfechan – the area of the beach extending between the low water mark and the promenade between the two slipways (but not to include the slipways)

To avoid confusion and be more beneficial for disabled access to Llanfairfechan beach, the Llanfairfechan Town Council did not support the location described above, so this wording is being removed.

(3) e Llanfairfechan – the area of beach extending between the low water mark and the promenade between the main slipway and the river mouth (but not to include the slipway).

Llanfairfechan Town Council wanted instead for the seasonal dog exclusion as existing to remain in place, so the wording above reflects this.

### **SCHEDULE 5 – DOGS ON LEADS**

(4) d Trinity Avenue Playing Field Llandudno; excluding the (demarcated) area designated for dog exercising

Complaints and representations from Local Members have been received that dog owners are not keeping their dogs under control at this location. A new section in the new draft PSPO is therefore proposed to cover that location for dogs to be kept on leads.

(4) e Owain Glyndwr Playing Field, Kinmel Bay; excluding the (demarcated) area designated for dog exercising

Following receipt of dog fouling complaints in the children's play area and recreational field, the Towyn and Kinmel Bay Town Council have requested that dogs are required to be kept on leads in those areas. A new section in the new draft PSPO is therefore proposed to cover that location as described above.

(4) u Public footpaths traversing North Wales Golf Club, Llandudno

## Second Public Consultation: Explanatory Note

---

As a result of complaints received and Cabinet resolution 775, dogs on leads requirements within North Wales Golf Course are now only proposed to apply to public footpaths crossing the land owned by the golf course.

(4) n **The Llandudno / Craig Y Don Community Paddling Pool**

This area was proposed to be covered by a dog exclusion, however dog owners expressed concern that they would then not be able to access the public toilets or use the café there. This proposal will not therefore be taken forward; instead it is proposed that the area be included in the new draft PSPO as a Dogs on Leads area.

~~2 p **Llanfairfechan Recreation Ground and Land surrounding the Boating Lake, Llanfairfechan**~~

The Llanfairfechan Town Council did not support the location described in Schedule 5 (2) n of the original Order consulted on, so this wording is proposed to be removed.

(4) q **Llanfairfechan Recreation Ground and Land surrounding the Boating Lake to the start of the bridle path, Llanfairfechan**

The Llanfairfechan Town Council did not support the location described in Schedule 5 (2) n of the original Order consulted on (see Appendix 1). For clarity, they want instead that the dogs on leads area is not extended as originally proposed to the Western Boundary of the property known as “Kingswood“. Instead, they would like the boundary to stop at the Eastern end of the property known as “Talfor”.

~~2 (t) **The pathway between Glan Yr Afon Road and Old Mill Road Dwygyfylchi**~~

~~2 (u) **The pathway between Conway Old Road and Old Mill Road, Dwygyfylchi**~~

~~2 (v) **The pathway from Ysguborwen Road to the garage adjacent to the A55/Maes Y Llan, Dwygyfylchi**~~

The local member for Dwygyfylchi did not support the proposed dogs on leads requirements for the above 3 footpaths, requesting that they be removed from the proposed Order, which is therefore proposed. The effect of this would be that owners could walk their dogs on those paths without the need to have their dogs on leads.

(4) w **Queens Gardens, Colwyn Bay**

Following representations, the Bay Of Colwyn Town Council have very recently asked that the above area be included as a dogs on lead area. This follows a vicious dog attack on a working guide dog by a dog off its lead, hence the request. The PSPO is proposed therefore to include Queens Gardens, Colwyn Bay.

4 (v) **Proposed footpath surrounding proposed Rhos on Sea Woodland/Biodiversity area, Brookfield Drive, Rhos on Sea**

To enable the benefits of this area to be realised by all users, it is proposed dogs are required to be kept on leads when using the new proposed footpath.

### 3. CONSULTATION PUBLICITY/AWARENESS

#### 3.1 How will anybody know where the above proposed changes/additions are?

There will be Notices in place at the relevant locations to make this clear. Information will also be available on the council's website and through social media and digital information boards to advise of this consultation. There will be direct mailing to statutory consultees and other relevant groups to advise and invite engagement/comments.

### 4. IMPLEMENTATION

#### 6.1 Publicity

Should any PSPO be implemented, its full requirements will be publicised via the council's website, social media and other relevant press and public communication methods.

#### 6.2 Compliance

If a person fails to comply with the requirements of any PSPO introduced, this will be a criminal offence unless they have reasonable excuse or the consent of the land owner. Should suitable evidence of any such offence become available, appropriate enforcement will take place, which may include the issue of a Fixed Penalty Notice or prosecution. Responsible dog ownership at all times however is encouraged.

#### 6.3 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.

The level of Charge imposed for breaching the new draft 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 PSPO?

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 PSPO?

The PSPO will be enforced by any person authorised by Conwy County Borough Council.

##### 6.2.5 Will anyone be Exempt from the PSPO?

Nothing in the PSPO 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.

### 5. CONCLUSION

The contents of the new draft PSPO 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. Regardless, responsible dog ownership at all times is encouraged.

### 6. CONSULTATION & WHAT HAPPENS NEXT?

#### 8.1 Who are we Consulting on this Proposal?

By virtue of section 72 of the Act, after 20<sup>th</sup> 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 and Community Representatives as appropriate

We are also consulting with the general public, elected members and owners / occupiers of land covered within the new draft 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 new draft PSPO during the consultation period which will **start on 01/07/20 and finish on 28/07/2020**. They can do this by completing the consultation questionnaire response form at [www.conwy.gov.uk](http://www.conwy.gov.uk) – search for PSPO. Please email any completed forms to [PSPOconsultation@conwy.gov.uk](mailto:PSPOconsultation@conwy.gov.uk) or send them by post to:

**PSPO Consultation  
Conwy County Borough Council  
Regulatory and Housing Services  
PO Box 1  
Conwy  
LL30 9GN**

Alternatively, paper copies will be available at the council offices reception areas.

#### 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.