

**CARDIFF COUNCIL
CYNGOR CAERDYDD****CABINET MEETING: 12 JULY 2018**

PUBLIC SPACES PROTECTION ORDERS – DOG CONTROLS**CULTURE AND LEISURE (COUNCILLOR PETER BRADBURY)****AGENDA ITEM: 3**

Reason for this Report

1. To consider widening enforcement powers, in order to deliver a cleaner and more sustainable environment across Cardiff by supporting the use of Public Space Protection Orders as defined in Cardiff Council's Policy Statement.
2. To consider authority to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. The purpose of the order is to improve and replace current outdated dog controls powers across the City of Cardiff.

Background

3. Cardiff Council's Policy Statement for Public Space Protection Orders is Appendix A.
4. PSPOs are available to Local Authorities to deal with specific nuisance problems in particular areas that are having, or are likely to have, a detrimental effect on the quality of life for those who live, work or play within the locality. An order can prohibit or restrict certain activities and is designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
5. The PSPO is different from other powers available under the Anti-Social Behaviour, Crime and Policing Act 2014 as they are led by the Council and concentrate on the identified problem behaviour. The final restrictions placed on a PSPO should be evidence based and shaped by the opinions of key stakeholders and the individuals who live, work or visit the public spaces.
6. The Council can make a PSPO in consultation with the Police and other relevant bodies who may be affected. The Order will have effect for a period of no more than 3 years. However, the Council may extend the Order for a further 3 years if there are reasonable grounds for doing so.

7. Once a PSPO is adopted by the Council, sanctions are available for persons who breach certain prohibitions within the order. A breach of the order can be enforced initially by way of a simple fine under a fixed penalty notice. If this fine is not paid then the enforcement action can be escalated through criminal powers available by way of a criminal prosecution through the Magistrates' Court. A maximum fine of level 3 or £1,000 may be imposed. Alternatively, the opportunity to pay a Fixed Penalty Notice (FPN) up to a maximum of £100 may be offered in place of prosecution and to avoid a criminal conviction.
8. The current fixed penalty notice for dog fouling is £80. The value of fines associated with dog controls from byelaws vary but enforcement has not taken place for a number of years.
9. Rhondda Cynon Taff County Borough Council and Denbighshire County Council have used the PSPOs to assist with the control of dogs. There are also other Councils, which have used the order to address access to public land, alcohol and intoxicating substances.
10. The byelaws currently in place in Cardiff were created under The Public Health Act 1875, The Open Spaces Act 1906, The Local Government Act 1972 and The Dog (Fouling of Land) Act 1996. The requirements of these byelaws are:
 - That dogs are controlled, so as not to cause a nuisance within open spaces, which came into effect in 1964.
 - The prohibition of dog fouling within designated areas across Cardiff
 - The exclusion of dogs within cemeteries, which came into force in 1986 and,
 - The exclusion of dogs from children's playgrounds and certain pleasure grounds and open spaces, which came into force in 1991 and was updated in 1993.
11. The Anti-Social Behaviour, Crime & Policing Act 2014 repeals previous legislation and will eventually repeal The Dog (Fouling of land) Act 1996, which dealt with dog fouling and its enforcement. The Anti-Social Behaviour legislation enables a PSPO to introduce enforcement rules on the presence of dogs, as well as wider controls to deal with anti-social behaviour on land accessible to the public.
12. Council officers will be able to enforce the restrictions and requirements. In addition, police officers and Police Community Support Officers will have the ability to enforce the order, although Council officers will deal with the issuing of FPN's.
13. Dog fouling is unsightly and unpleasant and in turn can lead to serious illness in humans, such as Toxocariasis, from direct contact with the faeces on the ground which can also lead to blindness. Particular concern is raised in relation to children and sports users using parks and open spaces

14. The majority of dog owners are responsible, clean up after their dogs and keep them under control. However, a minority of irresponsible dog owners create significant problems. Each year the Council receives many complaints in relation to dog fouling and out of control dogs in public places, which is a significant concern.
15. The Council continues to receive a significant number of complaints in relation to dog fouling from local residents and Councillors. From April 2016 to April 2017 there were over 500 complaints made to the council in relation to dog fouling. Appendix B shows examples of complaints in parks relating to dog control in Cardiff.
16. From reviewing the byelaws and complaints it is proposed the first phase of dog controls are:
 - the prohibition of dog fouling in all public places owned and/or maintained by the Council,
 - the exclusion of dogs in all enclosed playgrounds, marked sports pitches and Schools, which are owned and/or maintained by Cardiff Council.
 - a requirement that dogs are kept on leads within all Cemeteries owned and/or maintained by Cardiff Council.
 - a requirement allowing authorised officers to give a direction that a dog (s) be put and kept on a lead if necessary,
17. The introduction of dog controls to remove antisocial behaviour are consistent with the Well-being Goals under the Wellbeing of Future Generations (Wales) Act 2015:
 - A healthier Wales – a society in which people’s physical and mental wellbeing is maximised and in which choices and behaviours that benefit future health are understood.
 - A Wales of cohesive communities – attractive, viable, safe and well-connected communities.

Issues

18. The current legislation for dog fouling, The Dog (Fouling of Land) Act 1996, are currently not supported via Magistrates Courts and will eventually be completely repealed due to there being more up to date legislation that the Council should be utilising, specifically the Anti-Social Behaviour, Crime and Policing Act 2014.
19. The Council has only brought a small number of prosecutions to court in the last 5 years. However, although the Council continues to issue fines relating to dog fouling, there will become a time when the Council are challenged more broadly and therefore a PSPO covering dog fouling is required to allow for the continued issuing of FPN’s and prosecutions.
20. Public Spaces Protection Orders are reviewed every 3 years to ensure that they are effective in addressing ASB issues and the issues have not been displaced to other areas. The current byelaws are not reviewed, nor

enforced and there is no method in place or any legal obligation for these to be reviewed by the Council, to ensure that they are effective in addressing certain issues across Cardiff.

21. The introduction of a PSPO in respect of dog controls will replace existing byelaws currently in place to control dogs in certain areas across Cardiff. The current byelaws are outdated, with some dating back to 1964. Since the implementation of byelaws, boundaries and land ownership has changed, which is why it is essential to implement a PSPO to give uniformity and a consistent approach to the control of dogs across specific identifiable areas across Cardiff.
22. If Public Spaces Protection Orders are not introduced to replace old legislation, this could prevent the Council from fully achieving its Corporate commitments within the Community Strategy 2011 - 2021 and the Corporate Plan. A dog control PSPO will allow Cardiff Council to demonstrate continued commitment towards achieving a cleaner, more attractive and sustainable environment.
23. The Cabinet by approving the recommendations within this report, support a full and extensive consultation with residents and relevant stakeholders. This will allow the Council to introduce orders, which are relevant, necessary and consistently enforced across Cardiff.
24. The consultation response will include the methodology, statistics, comments made, key findings, the number of responses and recommendations / amendments to the proposed dog controls.
25. A list of consultees have been identified in Appendix C. The consultation will include opening and closing dates of when consultees can respond on this matter. This will be via:
 - Letters
 - Online Surveys
 - Cardiff Councils website
 - Newspaper Advert
 - Email
 - Telephone

All means of consulting will be translated bilingually into Welsh and English languages. For those who cannot access the internet, other options will be advertised, such as the option to send a letter or e-mail.

26. The Council will undertake direct consultation in a number of parks and public space areas throughout the consultation period to ensure views from users are captured.
27. A PSPO would supersede the current byelaws shown in relation to the control of dogs across Cardiff shown in Appendix D. Therefore, there would be a need for these byelaws to be revoked.

Reason for Recommendations

28. The Council receives a significant number of complaints about dog fouling and out of control dogs in public places each year. In 2016/17, there were more than 500 complaints to the authority in relation to dog fouling.
29. PSPOs are available to local authorities to deal with specific nuisance problems in particular areas that are, or are likely to have a detrimental effect on the quality of life of people in the area.

Legal Implications

30. Under the Anti-social Behaviour, Crime and Policing Act 2014, a Local Authority, after consultation with the public, Police, Crime Commissioner and other relevant bodies, are able to make a Public Spaces Protection Order (PSPO) if evidence of a nuisance exists.
31. Under Section 59 of the act, a Local Authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.
32. The first condition being:
 - a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
33. The second condition being that the effect, or likely effect, of the activities:
 - a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the notice.
34. A Public Spaces Protection Order identifies the public place referred to and sets out a number of conditions, such as;
 - a) prohibiting specified things being done in the area,
 - b) requiring specified things to be done by persons carrying on specified activities in that area, or
 - c) covering both of those prohibitions.
35. Prohibitions or requirements may be imposed if they are reasonable to impose through the order –
 - a) to prevent the detrimental effect referred to from continuing, occurring or recurring, or
 - b) to reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence
36. An interested person may appeal to the High Court to question the validity of a PSPO, or a variation of an Order. An appeal must be made within the period of 6 weeks beginning with the date on which the Order or variation is made.

37. Articles 10 and 11 of the Human Rights Act 1998 regarding freedom of expression and freedom of assembly and association have been considered and no issues have been identified.
38. The Council must satisfy its public sector equality duties under the Equality Act 2010 and at the same time as or following the outcome of consultation it will be necessary to undertake an Equality Impact Assessment to ensure that the Council has properly understood and assessed the potential impact of the proposed PSPO in terms of equality.
39. The enforcement of breaches of the order will be initially enforced through the use of a simple fine under a fixed penalty notice and then to criminal prosecution in the Magistrates' Court if not paid. It is expected that the issue of fixed penalties and the prosecution of cases will be income generating.
40. Provision will need to be made for any additional legal resources that are required.
41. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

42. The report is recommending the commencement of a public consultation period for which there will be no direct financial implications. The outcome of the consultation will be presented in a further report to Cabinet which will allow definitive enforcement proposals to be confirmed. This will include an assessment of any associated financial implications. Based on the processes outlined in this report the Directorate consider that the introduction of the PSPO can be achieved within existing resources.
43. If there is a significant increase in the number of prosecutions undertaken by the Council then further discussions with other Service Areas, in particular Legal Services, may be required to consider the implications arising from this potential additional activity.

RECOMMENDATIONS

Cabinet is recommended to:

1. Authorise officers to undertake a 6 -12 week public consultation exercise on the proposal to introduce a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act 2014 to introduce dog controls in areas across the Cardiff and to report back to Cabinet.
2. Agree that the consultation for dog control specifically looks at:
 - the prohibition of dog fouling in all public places owned and/or maintained by the Council,
 - the exclusion of dogs in all enclosed playgrounds, marked sports pitches and Schools, which are owned and/or maintained by Cardiff Council.
 - a requirement that dogs are kept on leads within all Cemeteries owned and/or maintained by Cardiff Council.
 - a requirement allowing authorised officers to give a direction that a dog (s) be put and kept on a lead if necessary,
 - setting the fixed penalty fine for breach of the order to the maximum permitted of £100.
3. endorse the revocation of the current byelaws associated with dog control in Cardiff (appendix d)

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director Planning, Transport & Environment
	15 June 2018

The following Appendices are attached:

Appendix A - Cardiff Council's Policy Statement – Public Space Protection Orders.

Appendix B - Examples of complaints in parks relating to Dog Control in Cardiff.

Appendix C- Consultees for dog control.

Appendix D - Byelaws relating to dog control to be revoked.

The following Background Documents have been taken into account:

1. Home Office: Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers : Statutory guidance for front line professionals, July 2014
2. Local Government Association: Public Spaces Protection Orders - Guidance for Councils



Cardiff Council

Public Spaces Protection Orders
Policy Statement

June 2018

1. Introduction

- 1.1. The Council has commitment to develop a systematic proactive approach to street and public space enforcement including implementing Public Space Protection Orders to remove anti-social behaviours.
- 1.2. The Local Authority recognises how anti-social behaviour can have a detrimental impact on local resident's quality of life, with those affected often feeling powerless to act. The Local Authority plays a key role in helping to make local communities within its area, safe places to live, visit and work.
- 1.3. Members of the public and Council employees are aware of the anti-social behaviour issues that occur within their local communities. It is key that we address and reduce these issues from occurring, by consulting with members of public and other stakeholders, in order to highlight areas of concern that in turn need addressing.

2. What is Anti Social behaviour?

- 2.1. Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours.
- 2.2. Victims can feel helpless, bounced from one agency or department to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' anti-social behaviour, when targeted and persistent, can have devastating effects on a victim's life.
- 2.3. Legislation to eliminate this type of behaviour was developed in July 2014, to provide more streamlined powers to authorised agencies. Local Authorities are now empowered to make and enforce Public Spaces Protection Orders (PSPO)
- 2.4. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police and relevant Local Authority departments.

3. What is a Public Spaces Protection Orders (PSPO)?

- 3.1. Under the *Anti-Social Behaviour, Crime and Policing Act 2014*, A Public Spaces Protection Order (PSPO) sits amongst a broad range of powers and tools to help reduce anti-social behaviour within particular areas.
- 3.2. A PSPO deals with specific nuisance problems, which is having, or is likely to have, a detrimental effect on the quality of life of those who live, work or visit a locality.
- 3.3. A PSPO can substantially reduce anti-social behaviour by the means of reasonable and proportionate restrictions and prohibitions. Its aim is ensuring public spaces can be enjoyed and is designed to ensure that the law-abiding majority can still use and enjoy public spaces, safe from anti-social behaviour.
- 3.4. These Orders are not about stopping responsible people from using publicly accessible land, but to provide Local Authorities and other Local Government departments with the means to help deal with persistent issues, which can be damaging to local communities.

4. Introducing a PSPO

- 4.1. The Local Authority can make a PSPO for any public space within its own area. The definition of public space is wide and includes any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.
- 4.2. The threshold for making a PSPO is set out in *Section 59 of The Anti-social Behaviour Crime and Policing Act 2014*, which permits Local Authorities to make a PSPO if satisfied, on reasonable grounds, that two conditions are met as defined by the Act.
 - 4.2.1 The first condition is that:
 - a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect
 - 4.1.2. The second condition is that the effect, or likely effect of the activities:
 - a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the Order

- 4.3. The Local Authority must carry out the necessary consultation, publicity and notification before making, extending and/or varying a PSPO.
- 4.4. Under *section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014*, the Local Authority must consult formally through the Chief Officer of Police and the Police and Crime Commissioner. In addition to this, all owners or occupiers of the land within the area to be restricted by the PSPO must be consulted, where reasonably practicable.
- 4.5. The Local Authority must also consult whichever community representatives it thinks appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park or specific activities. Before a PSPO can be implemented, the Local Authority must publish the draft Order in accordance with regulations made by the Secretary of State.

5. Duration of a PSPO

- 5.1. The maximum duration of a PSPO is three years however; they can last for shorter periods where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, Local Authorities may wish to make an initial PSPO for 12 months and then review the decision when it expires.
- 5.2. Whilst a PSPO is in place, the Local Authority can extend it by up to three years if deemed necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local Police and any other relevant community representatives.

6. Challenging the validity of a PSPO

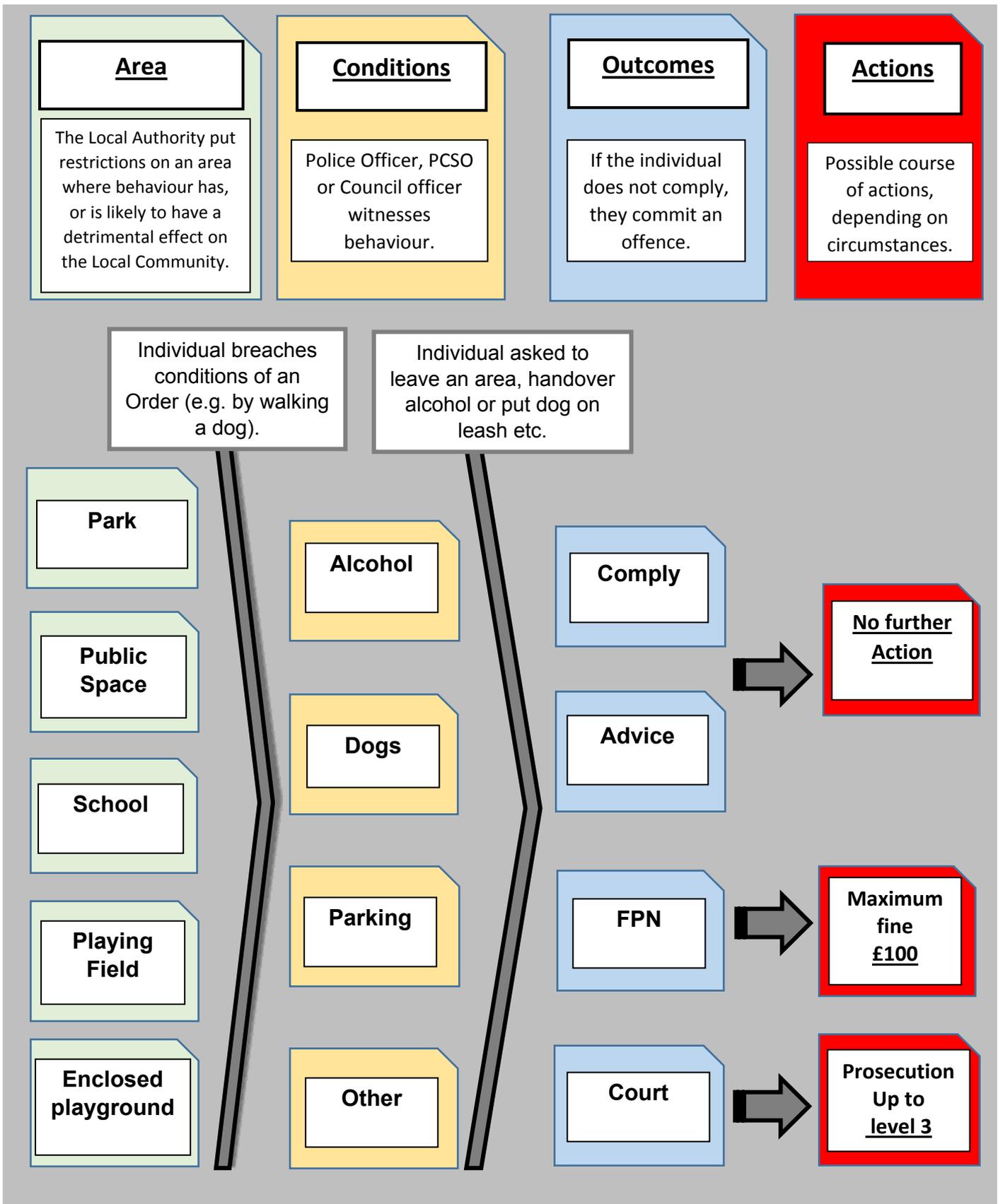
- 6.1. Under *section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014* an interested person, which is someone who lives, regularly visits or works within a restricted area may apply, by way of a Judicial Review, to the High Court of Justice, to challenge the validity of a PSPO or a variation of a PSPO. This means that only those who are directly affected by the restrictions of an Order have the power to challenge it.
- 6.2. An interested person who wishes to challenge a PSPO must make an application to the High Court within 6 weeks of a PSPO being made or varied by the Local Authority.

- 6.3. The grounds on which an application may be made are;
- a) That the Local Authority did not have power to make an Order or variation, or to include particular prohibitions or requirements,
 - b) That a requirement under this chapter was not complied with, in relation to the Order or variation, such as statutory consultation.
- 6.4. Where a Judicial Review application is made, the High Court can decide to suspend the operation of a PSPO or variation or any of its requirements, pending the final outcome of the Judicial Review. The High Court has the ability to uphold the PSPO, quash it, or to vary it.
- 6.5. An interested person cannot challenge the validity of a PSPO in any legal proceedings before or after it is made, unless that person is charged with an offence. An interested person can challenge a PSPO to defend to a prosecution, where they have been found guilty of committing an offence. On the grounds that the Local Authority did not have the power to impose the restrictions or that the restrictions imposed are unreasonable.

7. Enforcement

7.1. Authorised Officers from Local Authorities and the Police will be able to enforce the restrictions and requirements of a PSPO.

Purpose	Designed to stop individuals or groups committing anti social behaviour in a public place.
Who can make a PSPO	Local Authorities issue a Public Spaces Protection Order (PSPO) after consultation with the Police, Police and Crime Commissioner and other relevant bodies.
Test	Behaviour being restricted has to: <ul style="list-style-type: none"> • Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • Be persistent or continuing in nature; and • Be unreasonable
Details	Restrictions and requirements set by the Local Authority. <ul style="list-style-type: none"> • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public spaces (including certain types of highways) where that route is being used to commit anti social behaviour. • Can be enforced by a Police Officer, PCSO and Council officers.
Penalty on Breach	<ul style="list-style-type: none"> • Breach is a criminal offence • Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. • A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> • Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the Local Authority.
Important changes / differences	<ul style="list-style-type: none"> • More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the Order it replaces.



7.2. Although PSPOs are made by the Local Authority, enforcement should be the responsibility of a wider group. Council Officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, Police Officers and PCSOs will also have the ability to enforce the Order. It is envisaged that the other groups will be authorised by the Council to administer administrative remedies through fixed penalty notices only. Court proceeding for breaches of the Order will be undertaken by the Council.

8. Fixed Penalty Notices (FPNs)

8.1. A Fixed Penalty Notice (FPN) is a notice offering the person to whom it is issued, the opportunity of discharging any liability to conviction for an offence by payment to the Local Authority the amount specified in the notice.

8.2. An authorised officer of the Local Authority or a Police Officer may issue a FPN to anyone they have reason to believe has committed an offence under *section 63 and 67 of the Anti-social Behaviour, Crime and Policing Act 2014*.

8.3. No proceedings can be taken before the end of 14 days following the date of issue for the notice. A conviction may not be sought if the recipient pays the FPN before the end of that period.

8.4. An FPN must contain prescribed information:

- a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- b) state the period during which proceedings will not be taken for the offence;
- c) specify the amount of the fixed penalty;
- d) state the name and address of the person to whom the fixed penalty may be paid;
- e) specify permissible methods of payment

8.5. The fixed penalty notice amount is a maximum of £100.

9. Issuing a Fixed Penalty Notice

9.1. There will be authorised enforcement officers patrolling the restricted areas, based on complaints. At the time, an officer sees an offence being committed he or she will issue a hand written fixed penalty notice using a FPN book.

10. Appealing a Fixed Penalty Notice (FPN)

- 10.1. There is no right of appeal to the Local Authority or a Tribunal. Although an individual may be given, an opportunity to explain why they believe an offence has not been committed.
- 10.2. Failure to pay the FPN within 14 days from the date of issue may result in prosecution. If convicted, a defendant is likely to receive a fine and be ordered to pay prosecution costs and will incur a criminal record.
- 10.3. The fixed penalty notice for a breach of the prohibition will be £100 without the offer of discount. Any income received must be ring-fenced and spent on Local Authority functions relating to road traffic, litter and refuse.
- 10.4. The Local Authority may receive costs awarded against defendants following a successful prosecution once recovered by the Court service.

11. Considerations that the Local Authority must have regard for

- 11.1. A PSPO will ensure that there is not any infringements on the freedoms permitted under article 10 and 11 of the Human Rights Act 1998, when drafting, extending, varying or discharging an Order.
- 11.2. Where Orders restrict public rights of way, section 64 of the Act requires the Local Authority to consider a number of issues, including the impact on those living nearby and the availability of alternative routes. It also sets out some categories of highways where rights of way cannot be restricted. The Local Authority may also conclude that PSPOs restricting access should only be introduced where the anti-social behaviour is facilitated by the use of that right of way.
- 11.3. When defining the area restrictions should cover, consideration will be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring authority. The neighbouring Authorities will also be consulted to mitigate this.
- 11.4. The Local Authority will consider how best the Order should be worded and establish an evidence base to support the proposals, to include a consultation process. The prohibitions or requirements imposed by a PSPO will be written in clear English, easily understood and should be able to withstand scrutiny.
- 11.5. The Local Authority recognises that owners have a duty under the *Animal Welfare Act 2006*, to provide for their animal's welfare, which includes exercising them. In determining the area covered by restrictions, the Local Authority will therefore consider how to accommodate the need for owners to exercise their animals.

- 11.6. The area that a PSPO will cover will be clearly defined. Mapping out areas where certain behaviours are permitted; for instance identifying specific park areas where dogs can be let off a lead without breaching the PSPO.
- 11.7. Practical issues, such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – will also be borne in mind when determining how large an area the Order proposals might cover.

12. Exemptions

- 12.1. Exemptions of a PSPO will need be dealt with on a case by case basis, depending on what is proposed to be included into an Order and what that Order will restrict and/or prohibit, It will look at who will be affected and how. An Order will also ensure that it does not discriminate a person.
- 12.2. Careful consideration will be undertaken when introducing an Order to eliminate unlawful discrimination against protected characteristics that may be unintentionally affected by a PSPO. The planning phase of a PSPO will ensure that there is not a breach to the *Equality Act 2010*. This will be prevented via an Equality Impact Assessment (EIA).
- 12.3. An EIA is a specific assessment tool used to assess and ensure that a policy or project does not discriminate against any disadvantaged or vulnerable people. It also ensures that the Local Authority provides and delivers a service that reflects the needs of the local community and its stakeholders.

13. References

- *Anti-Social Behaviour, Crime and Policing Act 2014*
- *Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour powers. Statutory guidance for frontline professionals. Home Office. July 2014.*
- *Local Government Association – Public Spaces Protection Orders, Guidance for Councils. May 2017.*

Appendix C

Consultees for PSPO – Dog Control

- All Community & Town Councils in Cardiff Council
- Chief Constable of South Wales Police
- Police & Crime Commissioner for South Wales Police
- All neighbouring Local Authorities
- Operational Managers of all Council departments within Cardiff Council
- Community Centres
- Natural Resources Wales
- All Schools in Cardiff owned and/or maintained by Cardiff Council
- The Assembly Members and Members of Parliament for Cardiff
- Unison, Unite & GMB
- All Councillors
- Public Access Forums
- Ramblers & Walking Groups
- Animal Welfare Groups
- The Kennel Club
- Boarding Kennels
- Sports Clubs
- Youth Forum
- Older Persons Advisory Group
- Members of the public.

Byelaws in relation to Dogs across Cardiff

1964 – Pleasure ground and open spaces

Part 1

Adams down Square Gardens
Roath Brook Gardens – Sandringham Gardens
Bute Park
Clare Gardens
Cyncoed Gardens
Dispenser Gardens
Fforest Ganol
Gabalfa Open Space
Gelligaer Gardens
Grange Gardens
Hailey Park
Hill-Snook Recreational Grounds
Howard Gardens
Jellicoe Gardens
Katherine Gardens
Pentre Gardens
Plasturton Gardens
Plymouth Great Wood
Rhigos Gardens
Roath Botanical Gardens
Roath Park Lake
Roath Park Pleasure Grounds
Roath Park Recreational Grounds
Roath Park Wild Gardens
Leckwith Woods
Llandaff Fields
Llandaff Village Green
Llandenis Gardens
Llanishen Reservoir Lands
Llwynfedw Gardens
Loudoun Square Gardens
Mardy Gardens
The Marl
Maitland Gardens
Merches Gardens
Roath Mill Gardens
Moorland Gardens
Newminster Open Spaces
Parc Cefn on
Pengam Recreational Grounds
Senghenydd Gardens
Seven Oak Park

Splott Park
Syr David's Field
Waterloo Gardens
Waungron Open Spaces
The Wenault
Windsor Esplanade Gardens

Part 2

Caer Castell Open Spaces
Canton Common
Cathays Park
Charlotte square
Ely Bowling Green
Ely Quarry Park
Ely Recreational Grounds
Fairwater Recreational Grounds
Fairwater Park
Rumney Hill Gardens
Victoria Park
Gabalfa River Reservation
Greenway Road Recreational Ground
Kitchener Gardens
Llandaff Court Gardens (insole Estate)
Llanishen Recreational Grounds
Mynachdy children's playground
North Crystals Open Spaces
Robinson Square Gardens
Splott Housing Open Space
Trelai Park

Bye Laws – 1985 – Flatholm Island Nature Reserve

Brining in or permitting to remain within the reserve any dog or other animal unless it is kept under proper control and is effectively restrained from injuries or disturbing any animal or bird.

County Council of South Glamorgan

Byelaws 1986 – Management of cemeteries

Provided by the Council. A person shall not except as here in after provided, cause or suffer any dog (other than a guide dog accompanied by a blind person) or other animal belonging to him or in his charge to enter or remain in the cemetery.

Byelaws 1970 – Pleasure Grounds and open spaces (Amended)

A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal or waterfowl, and from entering any ornamental water.

Part 1 – Pleasure Grounds

Africa Gardens

Butetown Recreational Ground
Burt Street Playground
Caerau Recreational Ground
Crundale Crescent Open Space
Heol Llanishen Fach Open Spaces
Heol Pant Glas Open Spaces
Llanrumney Open Spaces
Llanbleddian Gardens.
Long Wood, Whitchurch
Maindy Park
Parkfield Place
Rumney Recreational Ground
Ruthin Gardens
St. Brioc Road playground
St. Martins Crescent playground
Waterhall Recreational Ground

Part 2 – Open Spaces

Library Gardens, Whitchurch
New Road Rumney Open Spaces
Sophia Gardens
St Agatha Road Open Spaces
St. Edwen Gardens Open Spaces
Whitchurch Common
Fairwater children's playground
Heath Park
Heol Y Gors Recreational Ground
Leckwith Recreational ground
Llwyn – Y – Grant Open Spaces
Lower Gorse Playing Field
North Llanishen Recreational ground
Parc – y – pentre
Pontcanna Lands
Parc Caedelyn
Trowbridge Mawr Gardens
Ty Wern Road Playing Fields.
Fairwater Green

Byelaws Relating to Playgrounds introduced in 1991

Part 1

Ball Road playground – Pepys Crescent
Caerleon Park Playground
Channel view playground - The Marl
Cogan Terrace playground
Colwinstone close playground
Eastern Leisure Centre – Rumney Rec
Hamacryad playground – Bute Street playground
Heath Park
Iron Bridge Road Playground

Lisvane playground
Llanishen park playground
Lydstep Crescent playground – Gabalfa open space
Moorland Road playground – splott housing open space
Rosedale crescent playground
Splott Park playground
Trelai Park playground
Windsor Esplanade Playground

Part 2

Loudon Square playground
Moorland Road Library – Moorlands Gardens
Roath Park playground
Roath Rec Grounds playground.

Byelaws 1993 – Exclusion of Dogs

Part 1

Adams down Square children's playground
Caedeylyn park children playground – parc caedelyn
Castle road children's playground
Greenfarm road children's playground
Heritage park Local Park 1 – St. Mellons children's playground
Helen Street Children's playground
Llandaff Fields children's playgrounds
Maindy Park children's playgrounds
Maitland Park children's playground
Melrose Park Local Park 5 – Trowbridge children's playground
North pentwyn park children's playground
Orchard Park Local Park 1. St. Mellon's children's playground
Plasnewydd Community Centre children's playground
Sevenoaks Park children's playground
Sedgemoor Road children's playground
Tremorfa Park children's playground – Pengam Recreational Ground.
Whitland Crescent children's playground – Fairwater Park

Part 2

Bryn Glas children's playground
Catherine Gardens children's playground
Danescourt children's playground
Thompson Park children playground – Syr David's Field.

Byelaws 1993 – Hermit Wood Nature Reserve Byelaws (Radyr Woods Community Nature area)

Bringing in or permitting to remain within the reserve any dog or other animal unless it is kept under proper control and is effectively restrained from injuries or disturbing any animal or bird.

Byelaws – 1993 Howardian Local Natural Reserve

Bringing in or permitting to remain within the reserve any dog or other animal unless it is kept under proper control and is effectively restrained from injuries or disturbing any animal or bird.

Byelaws - Glamorganshire Canal Local Nature Reserve 1993

Bringing in or permitting to remain within the reserve any dog or other animal unless it is kept under proper control and is effectively restrained from injuries or disturbing any animal or bird.

Byelaws – Cwm Nofydd and Fforest Ganol Nature Reserve – 1999

Bringing in or permitting to remain within the reserve any dog or other animal unless it is kept under proper control and is effectively restrained from injuries or disturbing any animal or bird.