THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

PUBLIC SPACES PROTECTION (DOG CONTROL) ORDER 2019

Made this day of 2019

Pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

The County Council of the City and County of Cardiff (in this Order called "the Council"), in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order.

1. Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

"Authorised Officer"	means a person who is authorised in writing by the Council for the purposes of this Order
"Person in Charge"	means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession
"Police Constable"	means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable
"Public Space"	means any place to which the public or any section of the public has access (with or without payment or permission) and which is owned or maintained by the Council, including roads, footpaths, pavements, grass verges, alleyways, public parks and gardens, green spaces, and allotments

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory

instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

2. Scope

This Order applies to the Public Spaces in the City and County of Cardiff which are described and shown in the Order and Schedules attached to the Order.

3. Duration

This Order shall come into effect on 1st October 2019 and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

4. Title

This Order may be cited as "The Cardiff Council (Public Spaces Protection) (Dog Control) Order 2019"; and imposes the following requirements and prohibitions.

5. Dog Fouling

In all Public Spaces within the City and County of Cardiff, as shown on the plan and list in **Schedule A**, the following requirements apply:

5.1(a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and

(b) A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

3.2 For the purposes of Article 5.1(a):

(i) Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and

(ii) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6. Dogs on Leads

6.1 In any of the public cemeteries listed and shown in **Schedule B** to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.

6.2 In any other Public Space within the City and County of Cardiff, as shown on the plan and list in **Schedule A**, a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.

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6.3 For the purposes of Article 6.2, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.

7. Dogs Excluded (Enclosed Children's Play Areas and School Premises)

7.1 A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any enclosed children's play area or school premises described or listed in **Schedule C** to this Order.

8. Offences and Penalties

8.1 Any failure to comply with the requirements or prohibitions imposed in Articles 5, 6 or 7 of this Order shall constitute a criminal offence, unless:

(a) The person has a reasonable excuse for failing to do so;
(b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or
(c) The person is exempt under Article 9 of this Order.

8.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1,000).

8.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

9. Exemptions

The requirements and prohibitions imposed by this Order shall not apply to any person who:

(i) Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, the Social Services and Well-Being (Wales) Act 2014 or any other legislation;
(ii) Has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance; or
(iii) Is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

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10. Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

11. Validity (Severance)

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF THE COUNTY
COUNCIL OF THE CITY AND COUNTY OF
CARDIFF was hereunto affixed
in the presence of:-

Authorised Signatory

This day of in the Year

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SCHEDULES

SCHEDULE A – **All Public Spaces within the City and County of Cardiff**

SCHEDULE B – **Public Cemeteries - List and Plans**

SCHEDULE C - **Enclosed Children's Play Areas and Schools – List and Plans**

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GORCHYMYN CYNGOR SIR DINAS A SIR CAERDYDD

DIOGELU MANNAU CYHOEDDUS (RHEOLI CŴN) 2019

Dyddiedig 2019

Yn unol ag adran 59 Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014

Mae Cyngor Sir Dinas a Sir Caerdydd (a elwir "y Cyngor" yn y Gorchymyn hwn), wrth arfer ei bwerau yn unol ag Adran 59 Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 ("y Ddeddf") a'r holl bwerau galluogi eraill, ar ôl ymgynghoriad a gynhaliwyd yn unol â'r Ddeddf, ac wedi'i fodloni bod cerdded cŵn yn afreolus ac yn anghyfrifol mewn mannau cyhoeddus yn cael effaith negyddol ar ansawdd bywyd y gymuned leol a bod yr amodau a nodir yn Adran 59 y Ddeddf wedi'u cyflawni, drwy hyn yn gwneud y Gorchymyn canlynol.

1. Diffiniadau a Dehongli

1.1 Yn narpariaethau canlynol y Gorchymyn hwn, bydd i'r termau canlynol yr ystyron a roir iddynt fel a ganlyn:-

"Swyddog Awdurdodedig" - Person sydd wedi'i awdurdodi'n ysgrifenedig gan y Cyngor at ddibenion y Gorchymyn hwn

"Person â Chyfrifoldeb" - Y person sydd â'r ci yn ei feddiant, dan ei ofal neu yn ei gwmni ar adeg cyflawni'r trosedd neu'r perchennog neu'r person sydd bob amser yn berchen ar y ci

"Cwnstabl yr Heddlu" - Unrhyw berson sydd wedi'i ddynodi a'i awdurdodi gan Brif Swyddog yr Heddlu i arfer pwerau a dyletswyddau Cwnstabl yr Heddlu "Man Cyhoeddus" - Unrhyw le y mae gan y cyhoedd neu unrhyw ran o'r cyhoedd fynediad ato (gyda neu heb dâl neu ganiatâd) y mae'r Cyngor yn berchen arno, gan gynnwys ffyrdd, llwybrau cerdded, palmentydd, ymylon glaswellt, lonydd cefn, parciau cyhoeddus a gerddi, mannau gwyrdd a rhandiroedd

1.2 Ac eithrio pan fo'r cyd-destun yn gofyn fel arall, mae'r ffurf unigol yn cynnwys y lluosog ac i'r gwrthwyneb; ac mae'r ffurf wrywaidd yn cynnwys y ffurf fenywaidd ac i'r gwrthwyneb.

1.3 Mae cyfeiriadau at Ddeddf Seneddol, darpariaeth statudol neu offeryn statudol yn cynnwys cyfeiriad at Ddeddf Seneddol, darpariaeth statudol neu offeryn statudol

fel y'i diwygiwyd, y'i hymestynnwyd neu a ail-weithredwyd o dro i dro ac unrhyw reoliadau a wneir o danynt.

2. Cwmpas

Mae'r Gorchymyn hwn yn berthnasol i Fannau Cyhoeddus yn Ninas a Sir Caerdydd y'u disgrifir ac y'u dangosir yn y Gorchymyn a'r Atodlenni a atodir at y Gorchymyn.

3. Hyd

Daw'r Gorchymyn i rym ar 1 Hydref 2019 a bydd yn parhau i fod ar waith am 3 blynedd o'r dyddiad hwn, oni bai y caiff ei ymestyn gan orchmynion pellach a wnaethpwyd dan bwerau statudol y Cyngor.

4. Teitl

Gellir cyfeirio at y Gorchymyn hwn fel "Gorchymyn Cyngor Caerdydd (Diogelu Mannau Cyhoeddus) (Rheoli Cŵn) 2019"; ac mae'n gosod y gofynion a'r gwaharddiadau canlynol.

5. Baw Cŵn

Ym mhob Man Cyhoeddus yn Ninas a Sir Caerdydd, fel y dangosir ar y cynllun a'r rhestr yn **Atodlen A**, mae'r gofynion canlynol yn berthnasol:

5.1(a) Os bydd ci'n bawa ar unrhyw adeg, rhaid i'r Person â Chyfrifoldeb waredu'r baw o'r tir; a

(c) Rhaid bod gan y person sy'n gyfrifol am gi ffordd briodol o godi baw'r ci hwnnw, a rhaid dangos hyn os bydd Swyddog Awdurdodedig neu Gwnstabl yr Heddlu yn gofyn i'w gweld.

3.3 At ddibenion Erthygl 5.1(a):

(iii) Bydd rhoi'r baw mewn cynhwysydd ar y tir a ddarperir at ddibenion gwaredu gwastraff yn ffordd ddigonol o waredu'r baw o'r tir; a

(iv) Ni fydd bod yn anymwybodol o'r ffaith bod ci wedi bawa (boed hynny oherwydd peidio â bod yn agos at y ci neu fel arall), neu fod â ffordd o waredu'r baw yn esgus rhesymol dros fethu â gwaredu'r baw.

6. Cŵn ar Denynnau

6.1. Mewn unrhyw un neu rai o'r mynwentydd cyhoeddus a restrir ac a ddangosir yn **Atodlen B** y Gorchymyn hwn, rhaid i unrhyw Berson â Chyfrifoldeb, ar unrhyw adeg, roi'r ci ar dennyn a'i reoli'n iawn.

6.2 Mewn unrhyw Fan Cyhoeddus arall yn Ninas a Sir Caerdydd, fel y dangosir ar y cynllun a'r rhestr yn **Atodlen A**, rhaid i berson sy'n gyfrifol am gi, ar unrhyw adeg, roi a chadw'r ci ar dennyn a'i reoli'n iawn yn unol â chyfarwyddyd Swyddog Awdurdodedig neu Gwnstabl yr Heddlu.

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6.3 At ddibenion Erthygl 6.2, bydd Swyddog Awdurdodedig neu Gwnstabl yr Heddlu ond yn cyfarwyddo person i roi a chadw ci ar dennyn os oes angen rhesymol am i'r ci gael ei reoli er mwyn osgoi niwsans neu ymddygiad gan y ci sy'n debygol o achosi gofid neu aflonyddu i unrhyw berson neu anifail neu aderyn arall ar y tir.

7. Cŵn wedi'u Heithrio (Ardaloedd Chwarae Plant Amgaeedig a Safleoedd Ysgol)

7.1 Mae Person sy'n gyfrifol am gi wedi'i wahardd rhag mynd â'r ci hwnnw i, neu ganiatáu i'r ci hwnnw fynd neu aros yn unrhyw ardal chwarae plant amgaeedig neu safle ysgol fel a nodir yn **Atodlen C** y Gorchymyn hwn.

8. Troseddau a Chosbau

8.1 Bydd methu â chydymffurfio â'r gofynion neu'r cyfyngiadau a osodir yn Erthygl 5, 6 neu 7 y Gorchymyn hwn yn drosedd, oni bai:

(d) Bod gan y person esgus rhesymol dros fethu â gwneud felly;
(e) Bod perchennog, meddiannydd neu berson neu awdurdod arall sy'n gyfrifol am y tir wedi caniatáu (yn gyffredinol neu'n benodol) iddo fethu â gwneud felly; neu
(f) Bod y person wedi'i eithrio dan Erthygl y Gorchymyn hwn.

8.2 Bydd unrhyw berson sy'n euog o drosedd dan y Gorchymyn hwn yn agored, wedi collfarn ddiannod, i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol (ar ddyddiad y Gorchymyn hwn, £1,000 yw hyn).

8.3 Gall Swyddog Awdurdodedig neu Gwnstabl yr Heddlu gyhoeddi Hysbysiad Cosb Benodedig i unrhyw y credir ei fod wedi cyflawni trosedd dan y Gorchymyn hwn. £100 fydd y Gosb Benodedig. Bydd talu'r Gosb Benodedig o fewn 14 diwrnod o ddyddiad yr Hysbysiad Cosb Benodedig yn atal y posibilrwydd o erlyniad.

9. Eithriadau

Ni fydd y gofynion a'r gwaharddiadau a osodir gan y Gorchymyn hwn yn berthnasol i unrhyw berson sydd:

(iv) Wedi'i gofrestru'n ddall, yn berson sydd â nam ar ei olwg neu'i glyw dan Ddeddf Cymorth Gwladol 1948, Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 neu unrhyw ddeddfwriaeth arall;
(v) Ag anabledd sy'n effeithio ar ei symudedd, medrusrwydd corfforol, cydlyniad corfforol, neu allu i godi, cludo neu symud gwrthrychau bob dydd, mewn perthynas â chi wedi'i hyfforddi gan elusen gofrestredig ac y mae'n dibynnu arno am gymorth; neu
(vi) Yn defnyddio ci sy'n gweithio at ddibenion gorfodi'r gyfraith, dyletswyddau milwrol neu wasanaethau brys statudol (chwilio ac achub).

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10. Apelio

Gall unrhyw berson (y'i diffynir yn unigolyn sy'n byw mewn ardal gyfyngedig neu sy'n gweithio'n rheolaidd yn yr ardal honno neu sy'n ymweld â hi'n rheolaidd) gwestiynu dilysrwydd y Gorchymyn hwn, yn unol ag Adran 66 y Ddeddf, trwy gais i'r Uchel Lys o fewn 6 wythnos o ddyddiad y Gorchymyn.

11. Dilysrwydd (Dileu)

Os bydd unrhyw un o ddarpariaethau'r Gorchymyn hwn yn annilys neu oni ellir eu gorfodi am unrhyw reswm a bennir gan lys awdurdod cymwys, caiff y ddarpariaeth honno ei dileu a bydd gweddill darpariaethau'r Gorchymyn yn parhau i fod mewn grym llawn fel pe bai'r Gorchymyn wedi'i weithredu gyda'r ddarpariaeth anghyfreithlon annilys / na ellir ei gorfodi wedi'i dileu.

Rhoddwyd SÊL GYFFREDIN CYNGOR SIR
DINAS A SIR
CAERDYDD yma
ym mhresenoldeb:-

Llofnod Awdurdodedig

Dyddiedig **/**/****

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ATODLENNI

ATODLEN A - Pob Man Cyhoeddus yn Ninas a Sir Caerdydd

https://www.cardiff.gov.uk/CYM/preswylydd/Hamdden-parciau-a-diwylliant/Gorchmynion-Amddiffyn-Mannau-Cyhoeddus/Pages/default.aspx

ATODLEN B - Mynwentydd Cyhoeddus – Rhestr a Chynlluniau

https://www.cardiff.gov.uk/CYM/preswylydd/Hamdden-parciau-a-diwylliant/Gorchmynion-Amddiffyn-Mannau-Cyhoeddus/Pages/default.aspx

ATODLEN C - Meysydd Chwarae Amgaeedig i Blant – Rhestr a Chynlluniau

https://www.cardiff.gov.uk/CYM/preswylydd/Hamdden-parciau-a-diwylliant/Gorchmynion-Amddiffyn-Mannau-Cyhoeddus/Pages/default.aspx

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