

## JOINT SCRUTINY COMMITTEE

19 NOVEMBER 2018

Present: Councillor (Chairperson)  
Councillors Gordon, Henshaw, Gavin Hill-John, Philippa Hill-John, Howells, Owen Jones, Lancaster, Owen, Parkhill, Jackie Parry, Patel, Robson, Sattar, Simmons, Stubbs, Wong and Wood

### 5 : CHAIRPERSON

Councillor Ramesh Patel was appointed as Chairperson of the Joint Scrutiny Committee.

### 6 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bob Derbyshire.

### 7 : DECLARATIONS OF INTEREST

None received.

### 8 : PUBLIC SPACE PROTECTION ORDERS - CONTROL OF DOGS

The Chairperson welcomed Councillor Peter Bradbury, Cabinet Member for Leisure & Culture, Councillor Michael Michael, Cabinet Member for Clean Streets, Recycling & Environment, Matt Wakelam, Assistant Director - Street Scene in Planning, Transport & Environment, Infrastructure & Operations and Jon Maidment Operational Manager, Parks Sport & Harbour to the meeting.

Members were advised that they would have an opportunity to question the Cabinet Members and officer from the Planning, Transport & Environment Directorate; the Chair would invite oral statements from Councillors, members of the public and other stakeholders attending the meeting; Members would have an opportunity to question the Councillors, members of the public and other stakeholders attending the meeting; and Members would consider any written statements presented by Councillors, members of the public and other stakeholders to the meeting.

The Chairperson invited Councillor Peter Bradbury to make a statement in which he said that he wished to thank the Committees and officers for arranging the meeting. He stressed that no decision would be made today, but it was an opportunity to look at the results of the consultation, hear a presentation from officers, and look at responses to the survey and social media activity. He stated that there was a clear consensus of no support for one particular element of the PSPO; the general consensus ruled out a blanket ban on dogs on marked pitches; adding that this remains an issue but the support of the wider community is needed and the Council recognises that. He added that there would be a further opportunity for pre-decision when the PSPO goes to Cabinet. He explained that there was widespread support for some elements of the consultation which was the most widely consulted upon

topic other than budgets and had received record responses and social media activity; and he wished to thank officers for their support during what was a particularly difficult time for him and his family.

The Chairperson invited Councillor Michael to make a statement in which he thanked the Committees for the meeting. He stated that there were issues with sports pitches and the intention of the consultation was to come up with ways of making things better; he was happy to listen to evidence and would reflect on it and come back with something that would be a benefit to everyone.

Members were provided with a presentation on the PSPO consultation after which the Chairperson invited questions and comments from Members.

Members expressed disappointment that Members of the public were not able to ask questions at the meeting.

Members referred to the front cover of the consultation document and asked if it was genuine. The Cabinet Member for Leisure & Culture acceded that the choice of cover was a mistake and that he has apologised for it and would like to apologise again as it was his responsibility.

Members noted that there had been notices displayed in three sports clubs and asked if any had been provided to vets etc. Members were advised that Appendix C to the report listed the people who were contacted; vets were not but there were lots of others that were.

With reference to the written statements, Members noted that there was a raft of information that had not appeared in the consultation document as asked what information was looked at before the consultation was sent out and whether any of the ideas had been considered. The Cabinet Member for Clean Streets, Recycling & Environment stated that the consultation was for the people of the City, all of their views would be taken on board before any decision is made. He added that things can always be done better in hindsight but they went shutting the door on anything, they would consider all views, look at costs and then determine a way forward. The Cabinet Member for Leisure & Culture added that was why there had been an email address established for the consultation and a comments section for people to put ideas forward; he stated that this process would continue post consultation. He considered that the consultation had energised people who were previously under represented, and that lessons had been learned from the consultation; any ideas that would help would be considered and this was in relation to litter as well as dog fouling.

Members asked whether it was reasonable to alter any details of the consultation during the process with particularly reference to question 11 and asked if this could be legally challenged. Officers advised that they would take the question away. Officers added that the consultation was about obtaining a view, there were some queries during the process and some details needed clarity so there had been some minor modifications, but with regards to the legal position of this then a view would have to be sought from legal colleagues.

With reference to question 11, Members considered that there were 3 points that people were unable to answer 'no' to and that people found the question difficult to answer. Members asked how the question was extracted with regards to playgrounds and pitches. The Cabinet Member for Leisure & Culture stated that he takes responsibility and that he shouldn't have grouped the question in the way it was. He added however that the result was that they have a sound consensus on 5 out of 6 proposals. He stated that he has apologised for the image used on the front cover and not separating out question 11 but he defended what he considered a worthwhile exercise.

Members considered that it was not just a playground or sports pitch issue, and that in some wards in particular it was a real problem so residents were grateful for the consultation.

Members were interested in the raft of ideas that the consultation had thrown up and were keen to learn more about Green Dog Walking and See It Report It. The Cabinet Member for Leisure and Culture stated that the reporting mechanism does need to be ironed out more, currently 1 of 5 reports of dog fouling are in relation to parks; clubs often clean up themselves and don't report the issue. The Council was keen to promote dog walking as an activity for all.

Members noted that there are lessons to be learned from the consultation process and considered that people could have tested the survey before it was issued and any queries such as with question 11 would have been raised.

Members were concerned that there was confusion around dogs being able to use sports pitches and that some people were being aggressively challenged, stating that better communication on the current position was needed. The Cabinet Member for Leisure and Culture stated that when the final PSPO is suggested, it will make it very clear what is allowed and not allowed.

Members referred to the 500 complaints and asked for clarification on this. Members were advised that paragraph 15 of the report explains this but it was noted that the 500 complaints were not just park complaints it was the whole amount but there was reference to parks so the confusion could be seen.

Members asked for information on the number of fines issued relating to marked sports pitches. Officers advised that in 2015/16 there had been 49 fines issued, 11 of which were by Park Rangers; in 2016/17 - 28 fines were issued, 24 by Park Rangers; in 2017/18 - 19 fines were issued, 16 by Park Rangers. There were no figures for the current year as yet but they were not greatly enhanced. Officers noted that the figures were extremely low and were looking at ways of changing enforcement, including having the means to clear up dog fouling. It was noted that all bye-laws had to be brought up to date; there was a need to improve education and enforcement in Parks and target specific areas using intelligence from the public who generate the complaints.

Members sought clarification on what constitutes a marked sports pitch and were advised that it was a pitch that was marked and played on and that seasonality should not affect it.

Members discussed health concerns and noted that this related to urban foxes as well as dogs, and asked how this was being dealt with. The Cabinet Member for Leisure and Culture reiterated that the problem was not with the animals but with irresponsible dog owners, if there are specific problems in certain areas then people are encouraged to report it and the Council will clean it up.

Members noted that lots of good ideas had come forward from the consultation. Members recognised that there were resource, legal and training implications to be considered. Members noted that there are concerns regarding current aspects of park management such as Bins and emptying of bins and asked what the plans were to address these concerns. Officers stated that Cabinet had invested £120k for removing/adding bins around the City, the new larger bins would have sensors to show how full they are, this data could be accessed remotely, and they would be placed in key locations around the City. There was a need for better intelligence to apply resources to provide a better service, this was already happening and would be kept under review.

Members referred to the importance of semantics and clarity of questions when designing the consultation and asked what processes were looked at regarding formulating questions and whether the questions were tested before they went live, because as the Capital City, Cardiff should have the skills to do meaningful consultations. The Cabinet Member for Leisure and Culture explained that they had looked at other Local Authorities consultations, as well as Cardiff Research Centre; the Vale of Glamorgan had used very similar questions in their consultation too; processes had been looked at and the comments section and email address was added. With regards to semantics the Cabinet Member stated that this main concern was the result and what comes from it; there had been a number of concerns and these were listened to; people thought the consultation was skewed but it was not and their views were listened to, so in essence the consultation worked.

Members considered the dog walking community as a huge asset to the Council especially in terms of reporting and asked how this process could be used to keep this engagement with the dog walking community and hopefully increase reporting figures. The Cabinet Member for Leisure and Culture endorsed this view regarding the dog walking community and advised that he would meet with them again to move forward, this meeting would include sports clubs and friends groups to work together to make the parks better for everyone.

Members asked whether Cardiff was unique with marked sports pitches in a City environment and whether enforcement would be able to get the desired effect or whether a total ban was proportionate. The Cabinet Member explained that the consultation covered a wide range of proposals and reiterated that no decision was taken as yet. They had looked at what was legally possible with regards to marked pitches and also at legal cases in London boroughs; it was felt it was best to consult on a wider range of proposals as possible, listen to views to help define a PSPO.

Members discussed the difficulties with enforcement with regards to irresponsible owners particularly those who walk their dogs early in the morning or late at night. Members noted that the PSPO would be a deterrent and that better signage and communication may help to educate and deter.

Members referred to the written statements and noted that there were many ways that issues could be tackled, asking what recommendations would be taken forward to reduce dog fouling and whether a PSPO was presupposing the outcome of the consultation. The Cabinet Member for Clean Streets, Recycling & Environment stated that a PSPO would mean a change in legislation and provide a tool to assist Local Authorities and the Police to deal with anti-social behaviour; it has to be proportionate and to protect the City from dog fouling. The Cabinet Member for Leisure and Culture added that there are different bye-laws in different parks throughout the City, a PSPO allows for them all to be put under one making it easier to manage. Officers reiterated that education as well as enforcement was important and that there are awareness events held in Parks.

Members discussed dog waste bins and that often when these are not emptied, bags are left around the full bins. Officers advised that the teams are instructed to clean around the bins when they are emptied, it was also important to stress that dog waste can be placed in general waste bins. Members noted that there are 22 Officers who can enforce, they can also educate and clean; Officers were looking at ways of utilising resources including mobile scheduling.

Members asked for more information on whether there were copies of the consultation in libraries and Hubs and more a breakdown of how many responses were submitted online and how many in hard copies. The Cabinet Member for Leisure and Culture advised that there were posters and hard copies of the consultation in every library and Hub across the City with help available for completion. Officers didn't have the breakdown of how the responses were submitted but advised they could obtain this information if required. The Chairperson asked for confirmation to be provided that every library and Hub had hard copies of the consultation available; the Cabinet Member for Leisure and Culture advised that he would provide this and that the issue would come back for pre-decision too.

Members asked whether Cardiff had looked at other local Authorities and whether they enforce on people not carrying bags; Officers advised that they have and as part of the proposal they have looked at RCT for many aspects including consultation as they have reduced the number of complaints for dog fouling.

The Chairperson welcomed Councillors Driscoll and Dilwar Ali, Paul Smith, Penny Bowers, Jeremy Sparkes, Peter Jones and Nathan Foy to the meeting.

The Chairperson invited Councillor Driscoll to make a statement in which he expressed his thanks to Members and Officers for facilitating the meeting, providing himself and other stakeholders the opportunity to speak. He stated that he had played on most of the sports pitches in Cardiff, he supports the clubs and understands their concerns but he absolutely understands the concerns of dog owners too. He noted that most complaints received were about verges and pavements, but issues on pitches also needed to be addressed. He considered that the dog action group had been fantastic and it was imperative to work with them and others in addressing the issues. He added that education work was important and lessons could be learned from the work undertaken with Litter and also from the work of other local Authorities where best practice should be looked at. He concluded stating that he had many suggestions from residents including seasonal restrictions around splash pads in parks.

The Chairperson invited Councillor Dilwar Ali to make a statement in which he discussed Caring for K9's, explaining that this group was made up of Councillors and partners with the aim of improving the issue of dog fouling and improving welfare. The group gathers information from many areas and would hold a conference in the Spring and report to Cabinet. He noted issues such as dogs must be allowed to run, public space should be safe for everyone and owners with multiple dogs must be aware of all dog fouling. He stated that the group had received abuse on social media but reiterated that they were not dog haters, they were concerned for animal welfare and the PSPO should protect the public and allow people to exercise dogs responsibly.

The Chairperson invited Paul Smith to make a statement in which he said that he agreed with the majority of the consultation other than the marked sports pitch element; he was delighted to work with the Council and have the opportunity to take the message out to people in the wider dog ownership community. He added that Caerphilly County Borough Council have reviewed their PSPO and taken out the sports pitch element.

The Chairperson invited Penny Bowers to make a statement in which she said that responsible dog owners respect PSPO's that work; Cardiff Dog Action had informed people about the consultation and fought against the proposed sports pitch element with a reasoned argument and was willing to work with and move forward with the Council. She added that it was important to get the message to the minority of dog owners who are irresponsible through education and enforcement, engagement and a robust communication strategy. Members were advised of the Green Dog Walkers Scheme which had been successful and there were many dog owners keen to help both with sports clubs and to look at the issue more holistically.

The Chairperson invited Jeremy Sparkes to make a statement in which he explained that he was a dog owner who lives, works and plays sports in Cardiff. He noted the pride that was cited for a successful consultation however he considered that as 1 in 3 households are dog owners the response could have been much greater. He considered that the consultation could have been far greater reaching and that some people who were directly affected were excluded. He stated that information obtained through Freedom of Information requests had revealed that data provided to Cabinet was inaccurate and he stressed the importance of robust, reliable, reputable and relevant data. He considered that the risk of Toxicaria is low if you live in Cardiff yet there had been hostile comments made towards people.

The Chairperson invited Peter Jones to make a statement in which he said that he represented Guide Dogs Cymru; he considered that the proposals were disproportionate towards disabled people. He was pleased to see that an Equalities Impact Assessment had been undertaken but he considered that this should have been done before the consultation process started; he also added that signs in parks need to be accessible for people with disabilities, not only sight impairment.

The Chairperson invited Nathan Foy to make a statement in which he explained that he was a guide dog owner and he has a role to support people when they are met with challenges. He stressed the importance of exemption for guide dogs in any proposal that is brought forward as they are not the same as pet dogs. He was aware of guide dog owners who had met verbal resistance when free running their

dogs, he explained that many guide dog owners are older and are very intimidated when people are verbally abusive towards them. He stressed the importance of guide dogs having free running time, as an important part of what they do and accessible places are needed for them to do this. Large restrictions placed on guide dog owners would have huge impacts on them and their families as guide dogs enable family dynamics such as involvement in school activities.

The Chairperson thanked all witnesses for their statements and invited questions and comments from Members.

Members were concerned that there was a perception that decisions had already been taken and felt it was important for the Council to make the situation clear.

Members noted that there were 8 PSPO's in place across Wales and asked how they have worked where they were imposed on marked pitches. Members were advised that the PSPO's had all been implemented in the last 18 months, questions would be asked about the effect and also discussions held with dog owners to determine if there had been any changes on where/how they walk their dogs including how much time they now spend doing so.

Members asked for more information about people who had been excluded from the consultation and were advised that there were various groups who had not been contacted such as the PDSA, many vets and several registered boarders and kennels. Jeremy Sparkes added that he accepts there are budgetary issues but involving these groups would have gained quick wins. Penny Bowers stated that a lot of areas of Cardiff are like communities where everyone knows each other, they had contacted everyone they knew who had a dog, handed out leaflets and urged people to complete the consultation, expressing their views without preaching.

Members wished to congratulate Cardiff Dog Action Group stating that they had been remarkable in a number of ways including all the information that had been collected from various Council's. Members asked if there were any specific measures that they would consider the most beneficial to take forward. Penny Bowers stated that the Green Dog Walkers scheme stood out, it had captured people's imagination, anyone can get involved it is bright and colourful and attracts people. She added that no measure would work in isolation; she noted that people had mentioned bag dispensers but the group were not keen on polluting the parks with machinery; she noted that DNA was at the very early stages and was quite expensive so she would encourage people to participate in the Green Dog Walkers Scheme. Jeremy Sparkes stated that there were different issues in different parts of Cardiff, therefore it was important to use relevant data to inform effective enforcement. Paul Smith explained that Conway Council had a Youth Ambassador Scheme who worked out in the parks, stressing it was important to have the next generation on board with such schemes.

Councillor Driscoll concluded saying that the information from the Cardiff Dog Action Group had been fantastic. He added that it was important to use the best of what others are doing with regards to tackling dog fouling; and he stressed the importance of emptying bins and surrounding areas.

The Chairperson thanked everyone for their attendance and contribution to the meeting.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

9 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 8.25 pm