

Caerphilly County Borough Council
Anti-Social Behaviour, Crime & Policing Act 2014
Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017

Caerphilly County Borough Council ("the Council") hereby makes the following Public Spaces Protection Order ("the Order") in exercise of its powers under Sections 59 of the Anti-Social Behaviour, Crime & Policing Act 2014 ("the Act") and all other enabling powers hereby makes the following Order:

1. This Order may be cited as the ~~Caerphilly County Borough Council (Dog Control) Public Spaces Protection Order 2017:~~

2. This Order will come into force on **20th OCTOBER** 2017 and will remain in force for a period of three years unless varied or discharged by further orders of the Council:

3. Introduction

(a) The failure to "pick up" after a dog has fouled on publicly accessible land is an important issue in the local environment generally, the effect of which is detrimental on the quality of life of the community at large. It causes risks to health and defaces the land and is therefore important that the community recognise the need to clean up after their dogs and to ensure that they have with them at all times an appropriate receptacle to do so.

(b) When not properly supervised and kept under control dogs that are allowed off a lead in public areas may cause a nuisance and injury to members of the public and other animals.

(c) Dogs in children's play areas can become aggressive if startled. They may also defecate in these areas, which may cause a health risk to the children using them.

(d) The Order is made because the Council is satisfied on reasonable grounds that the behaviour set out above has had and is likely to continue to have a detrimental effect on the quality of life of people within the County Borough. Furthermore that the effect is likely to be of a persistent or continuing nature and is or will be unreasonable and justifies the requirements set out in this Order which seeks to prevent or reduce the detrimental effects of the activities referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land.

4. Definitions

(a) "Authorised Person(s)" means a constable or a person authorised by the Council under Section 68 of the Act.

(b) "Appropriate Receptacle" means any bag, or receptacle which is designed for the purpose of holding dog faeces for disposal.

(c) "for the purpose of this Order a "disability" means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a "disabled person" means a person who has such a disability.

5. Restrictions and Requirements

(a) The effect of the Order is to impose the restrictions and requirements as set out in Parts 1 to 5 below.

Part 1 – Dog Fouling

1. If a dog defecates at any time on land to which this Part of the Order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless he can show that:-

- (a) They have a reasonable excuse for failing to do so; or
- (b) The owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to him failing to do so;

2. This Part of the Order applies to all public places in the County Borough of Caerphilly. For those purposes a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. For the purpose of this Part of the Order:-

- (a) Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (b) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Part 2 – Carry Appropriate Receptacle

1. If a person who is in charge of a dog at any time on land to which this part of the Order applies does not have or produce when requested by an Authorised Person, an Appropriate Receptacle for picking up dog faeces, that person shall be guilty of an offence unless:-

- (a) they have reasonable excuse for failing to do so; or
- (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.

2. This part of the Order applies to all public places in the County Borough of Caerphilly.

For those purposes a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Part 3 – Dogs On leads In Enclosed Memorial Gardens

1. A person in charge of a dog shall be guilty of an offence if at any time that person takes a dog onto or permits a dog to enter and/or remain in any of the enclosed Memorial Gardens set out in Appendix 2 without being controlled by a lead of not more than two metres in length unless that person can show that:-

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to him failing to do so.

2. For these purposes, a “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.

Part 4 – Dogs On Leads By Direction

1. A person in charge of a dog will be guilty of an offence if at any time on land to which this part of the Order applies, they fail to comply with a direction given to them by an Authorised Officer to put and keep the dog on a lead of not more than two metres in length for such period and/or in such circumstances as directed by the Officer, unless that person can show that:-

(a) they have a reasonable excuse for failing to do so; or

(b) The owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him failing to do so.

2. For these purposes, as “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.

3. This part of the Order applies to all public places in the County Borough of Caerphilly.

For these purposes, a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

4. For the purposes of this Part of the Order, an Authorised Person may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.

Part 5 – Dog Exclusions In Children’s Play Areas/Multi Use Games Areas –

1. A person in charge of a dog will be guilty of an offence if at any time he takes the dog on to, or permits the dog to enter or remain on, any of the enclosed children’s play areas/multi use games areas listed in Appendix 1 to this Order, unless that person can show that:-

(a) They have a reasonable excuse for doing so; or

(b) The owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him doing so.

Exemptions

1. The provisions in **Parts 1 and 2** of this Order shall not apply to a person who:-

(a) Is registered as partially sighted or blind, in a register compiled under Section 29 of the National Assistance Act 1948; or

(b) Is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination have a significant effect on their day to day lives”, in a register compiled under Section 18 of the Social Services and Well-Being (Wales) Act 2014; or

(c) Has a disability which affects his mobility, manual dexterity, physical co-ordination, or ability to live, carry or otherwise move everyday objects, such that the person cannot reasonably be expected to remove the faeces.

(d) Has some other disability, such that a person cannot reasonably be expected to remove the faeces.

2. The provisions in **Part 5** of this Order shall not apply to

(a) A dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

Other Matters

1. For the purpose of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

2. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this Order, the burden will be on that person to prove that they satisfy the requirements of the exemption being relied upon.

Offence

It is an offence for any person without reasonable excuse

(a) To do anything that a person is prohibited from doing by this Order, **OR**

(b) To fail to comply with a requirement to which a person is subject under this Order

Any person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

Fixed Penalties

An Authorised Person may issue a Fixed Penalty Notice to anyone he or she believes has committed an Offence under this Order. A person will have 14 days to pay the fixed penalty of £100 or a discounted amount of £75 if paid within 7 days. Failure to pay the fixed penalty will result in prosecution.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits any of the areas affected by this Order. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this Order on two grounds: that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or that a requirement of the legislation was not complied with in relation to the Order.

Dated the

16th

day of

OCTOBER

2017.

The Common Seal of
Caerphilly County Borough
Council was hereunto affixed
in the presence of:


Authorised Officer

21725

APPENDIX 1 MULTI USE GAMES AREAS

Latitude	Longitude	Name
51.5945107	-3.2671414	Abertridwr Park MUGA
51.7415079	-3.25702768	Abertysswg MUGA
51.6856255	-3.23493751	Bargoed Park MUGA
51.6808959	-3.21944777	Britannia Angel Playground MUGA
51.6709691	-3.20726518	Cefn Fforest Welfare (Ty Isha Terrace) MUGA
52.5508124	-3.25981263	Cefn Hengoed Youth Centre MUGA
51.6933142	-3.22109819	Cwrt Coch Street Aberbargoed MUGA
51.7431826	-3.29571802	Fochriw MUGA
51.5965294	-3.16428772	Graig Y Rhacca MUGA
51.6684689	-3.22984349	Glanynant MUGA
51.7244664	-3.24712955	Grove Park New Tredegar MUGA
51.7028143	-3.20757739	King George Field Markham MUGA
51.6046813	-3.22986605	Llanbradach Park MUGA
51.6517341	-3.12506937	Llanfach MUGA
51.594275	-3.25702768	Machen MUGA
51.65337	-3.19430789	Manor Park Penllwyn MUGA
51.5783763	-3.22595183	Morgan Jones Park MUGA
51.5750934	-3.22603664	Owain Glyndwr MUGA
51.7562152	-3.27979167	Paddy's Pond MUGA
51.5864672	-3.24236486	Penyrheol Park MUGA
51.743452	-3.28016959	Pontlottyn MUGA
51.5811116	-3.2031932	Porset Park MUGA
51.6048628	-3.27521287	Senghenydd Park MUGA
51.661016	-3.222829	Trelyn Park MUGA
51.7067908	-3.26209997	The Darren Public House Deri MUGA
51.6159244	-3.12276799	Waunfawr Park Cross Keys MUGA
51.6812294	-3.22971196	William Street Gilfach MUGA
51.6241232	-3.18690884	Ynysddu MUGA

Playgrounds

Latitude	Longitude	Name
51.5947733	-3.2677984	Abertridwr Park
51.7425805	-3.2601425	Abertysswg Village Green
51.5665426	-3.24224	Ashman Close Castle View Estate, Caerphilly
51.5669958	-3.1986796	Attlee Road Blackwood
51.5691548	-3.2443601	Badham Close, Castle View Estate, Caerphilly
51.6843204	-3.2401818	Bargoed P.E.P. (Park View)
51.6859422	-3.2347436	Bargoed Park
51.5730167	-3.2156345	Bartlett Street
51.6260942	-3.1876104	Bridge Street, Ynysddu

51.6804539	-3.2195805	Britannia Angel Playground
51.6136266	-3.1556985	Brynawel Wattsville Playground
51.7756861	-3.159835	Butetown Rhymney
51.6714518	-3.2066706	Cefn Fforest Welfare
51.6520761	-3.2342132	Cefn Hengoed Youth Centre
51.6502734	-3.2260552	Cefn Road Hengoed
51.5680728	-3.2454848	Clos Gwylne, Cwm Farm, Caerphilly
51.6749495	-3.1419292	Crumlin Park
51.6518917	-3.2423175	Cwm Galon Ystrad Mynach
51.6120366	-3.2247068	Cwm Las, Wingfield Works, Llanbradach
51.7154139	-3.2350252	Diamond Playground, White Rose Way, New Tredegar
51.5936651	-3.165687	Dickens Court Graig Y Rhacca
51.5950726	-3.2131194	Dol y Pandy, Bedwas
51.5800409	-3.1243944	Draethen Village
51.6156031	-3.1476171	Duffryn Terrace Wattsville
51.6663699	-3.2164115	Fairview Bottom Blackwood
51.6334397	-3.1265672	Feeder Row Cwmcarn
51.6141954	-3.097378	Fernlea Risca
51.5946102	-3.1454998	Ffwrwm Road Machen
51.6662516	-3.1578472	Fields Park Newbridge
51.63155	-3.2391463	Forge Mill Ystrad Mynach
51.6596768	-3.1653131	Fox Avenue Pentwynmawr
51.6625331	-3.1960236	Garfield Street Blackwood
51.7112632	-3.2651193	Glynderw Deri
51.5795433	-3.2355661	Grange Close Trecenydd
51.6838153	-3.1204547	Hafodyrynys Welfare
51.6686086	-3.2293845	Hanbury Street Pengam
51.5788705	-3.2060348	Hartshorn Court Lansbury Park
51.5803168	-3.2474504	Hendredenny School
51.6029324	-3.0785664	Herbert Avenue Pontymister
51.7539239	-3.275511	Hill Street Rhymney
51.720181	-3.211558	Hollybush Rugby Ground
51.6824322	-3.1463701	Kendon Hill Crumlin
51.6511535	-3.1395819	King George Field Abercarn
51.7024902	-3.2076122	King George Field Markham
51.6977808	-3.2161107	Lewis Street Aberbargoed
51.6050247	-3.229702	Llanbradach Park
51.6516437	-3.1251249	Llanfach (Clytha Square)
51.6519558	-3.2889224	Llwyn Yr Eos Nelson
51.5941566	-3.1338813	Machen Welfare Playground, Bovil View, Machen
51.640938	-3.2219304	Maesycwmmmer Park
51.6793105	-3.2292116	Maesygraig Street Gilfach
51.7232088	-3.1889089	Manmoel Village
51.637176	-3.1335525	Marne Street Cwmcarn
51.5781942	-3.2253119	Morgan Jones Park, Caerphilly
51.6704772	-3.2398036	Mount Pleasant Cascade

51.6757094	-3.1796665	Oakdale Recreation Ground
51.6711415	-3.1877183	Oakdale Terrace Penmaen
51.6631614	-3.1483993	Panteg Terrace Newbridge
51.6412101	-3.2473581	Park Lane Tredomen
51.5739109	-3.2410123	Penrhos Park, Black Prince Road, Caerphilly
51.6558455	-3.2501886	Penybryn Penallta
51.69778	-3.1455425	Penyfan Close Trinant
51.6975501	-3.1947909	Penylan Road Argoed
51.5867378	-3.2422856	Penyrheol Park, Caerphilly
51.7230906	-3.2377825	Phillipstown Community Centre
51.6016125	-3.0871262	Pontymister Athletic Ground
51.581226	-3.2034416	Porset Park Caerphilly
51.7385664	-3.2960349	Rhodfa Ganol Fochriw
51.7617953	-3.2834271	Rhymney Park
51.612619	-3.1015139	Rifleman Street Risca
51.6079013	-3.1002444	Risca Park
51.5942068	-3.1379826	Riverglade Machen
51.6751235	-3.1462289	Royal Crescent Treowen
51.578818	-3.1721765	Rudry Village
51.6577627	-3.2183495	School Street Pengam (Fleur de Lys)
51.7241042	-3.2507536	School Street Tirphil
51.6050583	-3.2754205	Senghenydd Park
51.6729838	-3.2037033	Showfield, Blackwood
51.6579902	-3.1900345	Sir Harold Finch Park, Pontllanfraith
51.6178996	-3.1798999	Stanley Street Cwmfelinfach
51.644152	-3.2404149	Station Road Ystrad Mynach
51.7427047	-3.2802643	Sunny View Pontlottyn
51.6003514	-3.0776245	Tanybryn Pontymister
51.7129901	-3.2337867	Tennyson Terrace Brithdir
51.5927381	-3.1899593	The Bryn Trethomas
51.6519942	-3.2796578	The Wern Nelson
51.6647396	-3.1912524	Thorncombe Road Blackwood
51.6615247	-3.2292361	Tir y Berth Welfare
51.6616849	-3.2268115	Tir y Berth William Street
51.628345	-3.1280735	Twyncarn Road Pontywaun
51.5739109	-3.2410123	Ty Coch Rhymney
51.611103	-3.089577	Ty Sign Park (Holly Road)
51.5838419	-3.2157213	Virginia Park
51.6608725	-3.2176088	Warne Street, Fleur De Lys
51.6178517	-3.1271343	Waunfawr Park Cross Keys
51.5921747	-3.1984907	Waunganol Park, Bedwas
51.674397	-3.1293333	Willow Court Pantside
51.6646634	-3.1520231	Windsor Avenue Newbridge
51.6630798	-3.1891124	Woodfieldside Park
51.6140333	-3.280265	Woodland Terrace Senghenydd
51.6392566	-3.1895295	Wyllie Village (Glanhowy Road)

51.6931488	-3.221441	Yew Street Aberbargoed
51.6365055	-3.2364925	Ystrad Mynach Park

APPENDIX 2 Memorial Gardens

Easting	Northing	Latitude	Longitude	Name	Location
315524	200091	51.6931895	-3.2235689	Aberbargoed War Memorial Gates	Commercial Street, Aberbargoed
321607	194950	51.6478585	-3.1344261	Abercarn War Memorial	High Street, Abercarn
313064	205583	51.7421807	-3.2605225	Abertysswg War Memorial	Walter Street, Abertysswg
315056	202164	51.7117531	-3.2308438	Brithdir Cenotaph	Saint Paul's Memorial Gardens, Harcourt Terrace, Brithdir
322057	193497	51.6348594	-3.1275993	Cwmcarn War Memorial	Memorial Park, Ivor Street, Cwmcarn
318565	191720	51.6183899	-3.1776304	Cwmfelinfach War Memorial	Glanynant Gardens, Cwmfelinfach
315264	198488	51.6787407	-3.2269398	Garden of Peace War Memorial & Clock	Commercial Street, Gilfach
315509	197077	51.666094	-3.2230555	Pengam & Fleur-de-Lys War Memorial	Saint David's Road, Pengam
311583	206281	51.7482229	-3.2821442	Pontlottyn War Memorial	Chapel Street, Pontlottyn
323971	190270	51.6061123	-3.099248	Pontymister War Memorial (also known as Pontywaun War Memorial)	Memorial Gardens, Commercial Street, Pontymister
311401	207528	51.7594032	-3.285098	Rhymney War Memorial	High Street, Rhymney
323402	191402	51.6162113	-3.1077104	Risca War Memorial	Saint Mary Street, Risca
314007	203216	51.7210495	-3.2462827	Tirphil War Memorial Clock	Station Row, Tirphil