

GWYNEDD COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

GWYNEDD COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2021

Gwynedd Council (“the Council”), in exercise of the powers conferred upon it by section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”), makes the following Order:

1. The name of this Order is the Gwynedd Council (Dog Control) Public Spaces Protection Order 2021.
2. This Order comes into force on [XXXX] and shall remain in force for a period of 3 years until [XXXX] unless in the meantime it is revoked, amended or extended by further Order in accordance with the Council’s statutory powers.

Dogs exclusion

3. Article 4 applies to the land specified in Schedule 1.
4. (1) During the times specified in Schedule 2, a person in charge of a dog shall be prohibited from taking that dog on to land to which this article applies, or from allowing the dog to enter or to remain on that land, unless –
 - (a) that person has 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 that person doing so.
- (2) Nothing in this article applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or
 - (c) has a disability which affects that person’s mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.
- (3) For the purposes of this article –
 - (a) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) each of the following is a “prescribed charity” –

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680).

Fouling of land by dogs

5. Article 6 applies to the land specified in Schedule 3.

6. (1) If a person who is in charge of a dog causes or allows that dog to defecate at any time on land to which this article applies, that person shall remove the faeces from the land forthwith, unless —

(a) that person has 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 that person failing to do so.

(2) Nothing in this article applies to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) has a disability which affects that person’s mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

(3) For the purposes of this article –

(a) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

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

(c) 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;

(d) each of the following is a “prescribed charity” –

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680).

Dogs on lead by direction

7. Article 8 applies to the land specified in Schedule 3.
8. (1) At all times and on land to which this article applies, a person in charge of a dog shall be required to comply with any direction given by an authorised person to put and keep the dog on a lead of not more than 2 metres in length, unless –
 - (a) that person has 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 that person failing to do so.
- (2) For the purposes of this article –
 - (a) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) an authorised person may only give a direction under this article 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 annoyance or disturbance to any other person on any land to which this article applies or the worrying or disturbance of any animal or bird.
- (3) In this article an “authorised person” means a person who is authorised in writing by the Council for the purpose of giving directions under this article.

Penalty

9. A person who does anything that he is prohibited from doing by this Order, or fails to comply with any requirement therein, shall be guilty of an offence under section 67 of the Act and shall be liable, upon summary conviction, to a fine not exceeding level 3 on the standard scale.

Challenging the Order

10. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within 6 weeks from the date upon which the Order is made.

SCHEDULES

SCHEDULE 1

Land specified in Schedule 1:

1. All land described in the following Schedule being land which lies within the administrative area of the Council –
 - (i) which is open to the air (which includes any land which is covered if it is open to the air on at least one side); and
 - (ii) to which the public are entitled or permitted to have access (with or without payment); and
 - (iii) which is signed at its entrance(s) as a “Dog Exclusion Area” (whether the sign uses those particular words or words and/or symbols having like effect).
2. All children’s play areas.
3. All recreational land within the boundaries of schools, further and higher education establishments.
4. All marked sports pitches to which the public are permitted or entitled to have access and land within 2 metres of the pitches.
5. All sports facilities in the county, including (but not limited to) leisure centres, multi-purpose ball parks, tennis courts, bowling greens, cycling and running tracks, netball and basketball courts and skate parks.
6. All beaches including the seashore, foreshore and any slope or staircase leading onto the beaches at the locations noted below and more particularly delineated in red on the relevant attached plans:

<u>Location</u>	<u>Reference</u>
Aberdyfi	6.01
Tywyn	6.02
Fairbourne	6.03
Barmouth	6.04
Bennar	6.05

Llandanwg	6.06
Harlech	6.07
Morfa Bychan – Black Rock Sands	6.08
Cricieth – Promenade Beach	6.09
[Not used]	6.10
Pwllheli – Glan Don	6.11
Pwllheli – Marian-y-De	6.12
Abersoch	6.13
Aberdaron	6.14
Porth Oer	6.15
Porth Towyn	6.16
Morfa Nefyn	6.17
Dinas Dinlle	6.18
Nefyn	6.19

SCHEDULE 2

Times specified in Schedule 2:

Paragraphs 1 to 5 of Schedule 1: All times.

Paragraph 6 of Schedule 1: Between 1 April and 30 September inclusive in any year.

SCHEDULE 3

Land specified in Schedule 3:

All land described in the following Schedule being land which lies within the administrative area of the Council –

- (i) which is open to the air (which includes any land which is covered if it is open to the air on at least one side) and
- (ii) to which the public are entitled or permitted to have access (with or without payment).

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2021

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GORCHYMYN DIOGELU MANNAU CYHOEDDUS CYNGOR GWYNEDD (RHEOLI CŴN) 2021**

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