

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.

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)

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 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).

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

SCHEDULES

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

<https://www.cardiff.gov.uk/ENG/resident/Leisure-parks-and-culture/Public-Spaces-Protection-Orders/Pages/default.aspx>

SCHEDULE B – Public Cemeteries - List and Plans

<https://www.cardiff.gov.uk/ENG/resident/Leisure-parks-and-culture/Public-Spaces-Protection-Orders/Pages/default.aspx>

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

<https://www.cardiff.gov.uk/ENG/resident/Leisure-parks-and-culture/Public-Spaces-Protection-Orders/Pages/default.aspx>

