



Janet Finch-Saunders AM/AC

Assembly Member for Aberconwy
Shadow Cabinet Secretary for Local Government

Aelod Cynulliad dros Aberconwy
Ysgrifennydd yr Wrthblaid ar gyfer Llywodraeth Leol

PSPO Consultation,

Mr Peter Brown,
Head of Regulatory Services,
Conwy County Borough Council,

By email:

PSPOconsultation@conwy.gov.uk.

22nd February 2018

Ref: TYH/JFS/HM

Re: Dog Control Public Space Protection Order (PSPO) Consultation

Dear Mr Brown,

I am writing with regards to the Dog Control Public Space Protection Order (PSPO) Consultation.

There are a number of points I wish to raise on this matter, but I would firstly like to express my dissatisfaction – firstly, at the length of time it has taken to bring this consultation forward, and secondly, at the length that the consultation itself is open, which I understand to be less than a month. The huge levels of public concern, objections and protests, and media coverage which issues relating to this matter have generated demonstrates the scale of public feeling surrounding this issue.

As regards the consultation, I shall be making my own individual submission, however I write this in my capacity as Assembly Member for Aberconwy, and with regards to the views of the many constituents who have approached me on this matter.

I have addressed the questions on the consultation form below, along with my additional comments.

Q3. To what extent do you support the Authority maintaining the current controls under the new Public Space Protection Order with regard to the fouling of land by dogs?

I do not condone the fouling of land by dogs where the person in control of that dog refuses to pick up after it.

The issue here, which has been raised repeatedly by constituents and visitors to the area, is the

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manner in which officers employed by the Council conduct themselves in relation to issuing FPNs for this offence. Where a person has allowed their dog to foul, deliberately left it there, and refuses to pick it up, an FPN should be issued – we should not tolerate such behaviour in our public spaces.

However, where a person has not been aware of their dog fouling – perhaps it was hidden from view at the time, or that person was preoccupied with a child, for example – the matter should be raised to them, and they must be allowed to pick it up without being issued with an FPN. If they then refuse, an FPN should be issued.

Many representations have been made to me – and subsequently by myself to Conwy County Borough Council – relating to instances where a person did not witness their dog fouling, picked it up when alerted to the fact by an officer, yet was issued with an FPN anyway. This is palpably unfair, and not a reasonable interpretation of UK Government FPN issuing guidance to not issue an FPN where *'Enforcement action is inappropriate or disproportionate'*, or from the Conwy County Borough Council website which states an FPN will be issued for those *'failing to pick up after the dog'*. In such instances, once aware, that person *has* picked up after their dog.

Q4. To what extent do you support the Council introducing a new control requiring a person in charge of a dog to produce an appropriate means to pick up dog faeces when asked by an authorised officer? Failure to produce such a means would be an offence liable to the issue of a £100 Fixed Penalty Notice

I do not see any justification to reasonably introduce another offence liable for an FPN. Such a requirement would place further decision-making matters on the subjective opinion of enforcement officers, who would have to make a decision as to whether the means provided on request were, indeed, 'appropriate'. Whilst it is no longer the case at present, the history of the current company employed by the Council of rewarding officers with monetary bonuses for each FPN issued, will mean that such interpretive powers in this regard would be of concern to many people.

A less punitive and more positive alternative to this would be the provision of suitable bags at dog waste bins.

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Q5. To what extent do you support the Council with proposed changes to the Exclusion Zones on Conwy beaches?

Q6. To what extent do you support the Authority maintaining the current controls under the proposed amended Public Space Protection Order with regard to Dogs on leads?

Q7. To what extent do you support the Authority maintaining the current controls under the proposed amended Public Space Protection Order with regard to Dogs on Leads By Direction?

The main concern expressed by residents to me is a lack of clear signage and boundaries for Exclusion Zones – particularly in relation to beaches in the county – and dogs on leads areas. Whatever the final decision of the Council is, such boundaries for each relevant zones must be communicated clearly to the public at all points of entry/exit, in a variety of ways. I note signage and stencil marking on the ground are both noted as methods to show where the Order applies, in addition to further promotion online and in print.

Further to this, and in order to relay this information in a positive manner to those visiting the area from outside, I would like to see the Council working with local hoteliers and B&B owners to produce a leaflet for tourists publicising where they are able to take their dogs, in order that those holidaying in the area with their pets are able to enjoy their time here responsibly. Not only would this work to ensure that the area does not develop a negative image amongst this tourism group, but indeed might even work to promote the Conwy region as a dog-friendly holiday destination – provided the information was proactively publicised and directed at this market.

With regards to the individual zones themselves, I appreciate the need for certain restrictions at beaches to enable them to achieve Blue Flag status, and would, again, emphasis the benefit of good, clear signage and boundaries in this regard.

Further to the proposals relating to specific zones, individual responses will be received by the Council regarding each, I am sure, and I would be grateful that full account is taken of the arguments put forwards by constituents.

In relation to the proposal to include the Llandudno / Craig Y Don Community Paddling Pool in the list of 12 month exclusion zones, I wish to object on the principal grounds that I have yet to receive any complaint by a constituent or member of the public relating to the presence of dogs in this area. (I have, however, received countless complaints regarding the presence of the large quarry rocks which frequently get washed up here from the beach works.) Further, the exclusion of dogs at

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this location breaks up the walk from the Promenade towards the Little Orme, at a considerable inconvenience to dog walkers who will have to undertake a diversion to continue on such a route. The requirement for dogs to be on leads by the paddling pool would be far more sensible, and happily complied with by the many families and dog walkers who frequent this area, I am sure.

Q8. To what extent do you support the Council with proposed changes to the Fixed Penalty amount, raising all to the current penalty for dog fouling (£100)?

Again, I do not condone the fouling of land by dogs where the person in control of that dog refuses to pick up after it, and therefore feel that the penalty must be reasonable, and in line with that of the rest of the country.

The issue of concern here, raised to me by so many constituents and visitors to the area, is the manner in which the enforcement and issuing of FPNs is undertaken on behalf of the Council. A petition calling to 'Review CCBC FPN Enforcement Measures' has received over 525 signatures¹. A copy of this is enclosed for your reference, and I would be most grateful if the concerns highlighted in relation to this matter were given full and proper consideration by the Council, ahead of the end of the current contract in relation to such enforcement.

Yours sincerely,

Janet Finch-Saunders AM/AC

¹ Petition signatories 'Review CCBC FPN Enforcement Measures'