



MONMOUTHSHIRE COUNTY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

MONMOUTHSHIRE COUNTY COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2023

Monmouthshire County Council (“the Council”) hereby makes the following Public Spaces Protection Order (“the Order”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime & Policing Act 2014 (“the Act”).

- 1) This Order may be cited as the Monmouthshire County Council (Dog Control) Public Spaces Protection Order 2023.
- 2) This Order will come into force on XXXXX and will remain in force for a period of three years unless varied or discharged by further orders of the Council.

3) INTRODUCTION

- a) People who fail to clean up after their dogs on publicly accessible land cause nuisance to others. The presence of dog faeces is a potential hazard to all members of the public, it presents a risk to health, defaces land and has the potential to deface people and their property.
- b) When not properly supervised and kept under control, dogs that are allowed off a lead in public areas may cause road traffic accidents and may cause nuisance or injury to members of the public and to other animals.
- c) Dogs in children’s play areas may become aggressive if startled. They may also defecate in these areas, defacing and causing a health risk to the children that use them.
- d) This 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 Monmouthshire.
- e) This Order seeks to prevent or reduce the detrimental effects referred to above, by imposing reasonable restrictions and requirements on people while in charge of dogs on public land. It seeks to facilitate the safe sharing of our public spaces, while recognising that people should be able to exercise their dogs off lead in public areas, providing their dogs are under control and behaving appropriately.

4) Definitions and Interpretation

- a) In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:

“Authorised Person” means a Police Constable or a person authorised in writing by the Council for the purposes of this Order.

“Police Constable” means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable.

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.

“Public Space” 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.

“Appropriate Receptacle” means any bag, or receptacle which is designed for the purpose of holding dog faeces for disposal.

“ For the purposes 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.

- b) Except when the context otherwise requires, the singular includes the plural and vice-versa.
- c) Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

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 they 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 the person failing to do so;
- 2) This part of the Order applies to all public places in the County of Monmouthshire.
- 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 – APPROPRIATE RECEPTACLE FOR PICKING UP DOG FAECES.

- 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 to pick up any faeces deposited by that dog, that person shall be guilty of an offence unless they 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 the person failing to do so;
- 2) This part of the Order applies to all public places in the County of Monmouthshire.

PART 3 – 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 put a dog on a lead, of no more than 2 metres length, when directed to do so by an authorised officer where the dog is considered to be out of control, or causing alarm or distress or to prevent a nuisance, unless they 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 the person 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.
- 3) This part of the Order applies to all public places in the County of Monmouthshire.

PART 4 – DOGS ON LEADS.

- 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 keep the dog on a lead of not more than 2 metres in length unless they 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 the person failing to do so;
- 2) This part of the Order applies to the land in the County of Monmouthshire identified as “Leads Only (LO)” in the Reference List annexed hereto and further identified by the plans referred to therein.

PART 5 – DOG EXCLUSION.

- 1) A person in charge of a dog will be guilty of an offence if at any time that person takes the dog onto, or permits the dog to enter or remain on, any land to which this part of the Order applies, unless they 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 the person failing to do so;
- 2) This part of the Order applies to the land in the County of Monmouthshire. identified as “Exclusion (E)” in the Reference List annexed hereto and further identified by the plans referred to therein.

EXEMPTIONS

- 1) The provisions in Parts 1 and 2 of this Order (fouling / appropriate receptacle) do 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 Wellbeing (Wales) Act 2014; or
 - c) has a disability which affects their mobility, manual dexterity, physical co-ordination, or ability to lift, carry, or otherwise move everyday objects, such that they cannot reasonably be expected to remove the faeces; or
 - d) has some other disability, such that they cannot reasonably be expected to remove the faeces.

- 2) The dog exclusion provisions in Part 5 of this Order shall not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.
- 3) Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working.

This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting.

- 4) 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 exemptions being relied upon

OFFENCES

It is an offence for any person without reasonable excuse to:

- (a) do anything that a person is prohibited from doing by this Order; or
- (b) fail to comply with a requirement to which a person is subject to 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.

A Constable or an Authorised Person may under S.68 of the Anti-Social Behaviour, Crime and Policing Act 2014, issue a fixed penalty notice to anyone they have reason to believe has committed an offence under S.67 of that Act in relation to this Order. 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 this xxxxx day of xxxxx 2023.

The COMMON SEAL of MONMOUTHSHIRE COUNTY COUNCIL

was hereunto affixed in the presence of:

Authorised Officer

Sealing Number xxxxxxxx

Annex 1

Public Spaces Protection Order – Dog Controls Reference List

Reference	Location	Exclusion (E) or Lead Only (LO)
Abergavenny		
ABVY-PSPO-001	Swan Meadows play area off Cross Street Abergavenny	E
ABVY-PSPO-002	23 Waterside, Abergavenny	E
ABVY-PSPO-003	Bailey Park play area, Abergavenny	E
ABVY-PSPO-004	Union Road play area, Abergavenny	E
ABVY-PSPO-005	Belgrave Park play area, Abergavenny	E
ABVY-PSPO-006	Maes Y Llarwydd play area, Abergavenny	E
ABVY-PSPO-007	13 Beaupreu Place play area, Abergavenny	E
ABVY-PSPO-008	Underhill playing field play area off Old Hereford Rd, Abergavenny	E
ABVY-PSPO-009	Behind 38 Rother Avenue, Abergavenny play area	E
ABVY-PSPO-010	26 Glan Gavenny play area, Abergavenny	E
ABVY-PSPO-011	Croesonen Gardens play area Abergavenny	E
ABVY-PSPO-012	Skate Park Abergavenny, Old Hereford Rd	LO
ABVY-PSPO-013	Bailey Park sports pitches, Abergavenny	E
ABVY-PSPO-014	Lower Meadow Aber sports pitches, Abergavenny	E
ABVY-PSPO-015	Old Hereford Road Cemetery, Abergavenny	LO
ABVY-PSPO-016	Linda Vista Gardens, Tudor Street, Abergavenny	LO
ABVY-PSPO-017	Abergavenny Castle, Castle Street,	LO
ABVY-PSPO-018	King Henry VIII school and Leisure Centre, Old Hereford Rd, Abergavenny	E
ABVY-PSPO-019	Deri View Primary School, St David's Rd Abergavenny	E
ABVY-PSPO-020	Cantref school, Harold Rd Abergavenny	E
ABVY-PSPO-021	Our Lady of St Michaels school Pen y Pound, Abergavenny	E
Caerwent		
CWT-PSPO-022	Play area rear of 12 Kilpale Close Caerwent	E
CWT-PSPO-023	Play area 52 Merton Green Caerwent	E
CWT-PSPO-024	Play area 10a Lawrence Crescent, Caerwent	E
CWT-PSPO-025	Play area 1 Green Lane Farm Ash Tree Road, Caerwent	E
CWT-PSPO-027	Trewen sports pitch and play area	E
CWT-PSPO-028	Llanfair Discoed Playing Fields	E
CWT-PSPO-029	Caerwent Playing fields and play area at village hall	LO
Caldicot		
CDT-PSPO-031	Caldicot Skate park, Mill Lane	LO
CDT-PSPO-032	Spine footpath play area off Margretts Way, Caldicot	E
CDT-PSPO-033	21 Clos Ystwyth play area Caldicot	E
CDT-PSPO-034	Birbeck road play area Caldicot	E

CDT-PSPO-035	2 Heol Trefi play area Caldicot	E
CDT-PSPO-036	Rear of 2 Nedden Court Caldicot - wild play	E
CDT-PSPO-037	Caldicot Castle Country Park children's play area, Caldicot	E
CDT-PSPO-038	23 Clos Rheidol play area, Caldicot	E
CDT-PSPO-039	Longfellow Road play area, Caldicot adjacent to Caldicot RFC	E
CDT-PSPO-040	14 Clos Alwen play area, Caldicot	E
CDT-PSPO-041	10 Heol Towy play area, Caldicot	E
CDT-PSPO-042	20 Heol Teifi play area, Caldicot	E
CDT-PSPO-043	1 Oakley Close play area Caldicot	E
CDT-PSPO-044	Rear of 12 Moorlands View play area	E
CDT-PSPO-045	Caldicot Rugby Club pitches, Longfellow Rd	E
CDT-PSPO-046	Railway View Caldicot play area	E
CDT-PSPO-047	George V playing fields play area	E
CDT-PSPO-048	George V playing fields	E
CDT-PSPO-049	Mill Lane pitches	E
CDT-PSPO-050	Caldicot Castle	LO
CDT-PSPO-051	Caldicot Castle FC pitches	E
CDT-PSPO-052	Caldicot Castle Country Park Lake	LO
CDT-PSPO-053	Castle Park Primary School	E
CDT-PSPO-054	Dewstow Primary School	E
CDT-PSPO-055	Durand Primary	E
CDT-PSPO-056	Ysgol Gymraeg y Ffin, Sandy Lane, Caldicot	E
CDT-PSPO-057	Caldicot School and Leisure Centre	E
Chepstow		
CHW-PSPO-058	Bulwark Play Area, Bulwark Road, Chepstow	E
CHW-PSPO-059	Meadow Walk play area	E
CHW-PSPO-060	Piggy's Hill Skateboard Park, Bulwark Park, Bulwark, Chepstow	LO
CHW-PSPO-061	12 Pentperry Park play area, Chepstow	E
CHW-PSPO-062	55 Hardwick Avenue play area, Chepstow	E
CHW-PSPO-063	Play area Castle Dell Park, Chepstow	E
CHW-PSPO-064	116 Western Avenue play area, Chepstow	E
CHW-PSPO-065	Play area rear of 24 Larkfield Close, Chepstow	E
CHW-PSPO-066	Play area The Danes St Kingsmark Avenue, Chepstow	E
CHW-PSPO-067	Play area 43 Summerhouse Lane, Chepstow	E
CHW-PSPO-068	Play area 21 Garvey Close, Chepstow	E
CHW-PSPO-069	Play area 32 Phoenix Drive, Chepstow	E
CHW-PSPO-070	Play area Woolpitch Wood, Chepstow	E
CHW-PSPO-071	Play area 18 Wallwern Wood, Chepstow	E
CHW-PSPO-072	Play area 15 Castle Wood, Chepstow	E
CHW-PSPO-073	Play area 14 St Lawrence Park (1), Chepstow	E
CHW-PSPO-074	Play area, St Lawrence Park (2), Chepstow	E

CHW-PSPO-075	Play area Alcove Wood, Chepstow	E
CHW-PSPO-076	Play area Bayfield Park, Chepstow	E
CHW-PSPO-077	Play area Bayfield Wood Close (2) Chepstow	E
CHW-PSPO-078	Play area 16 Strongbow Road, Chepstow	E
CHW-PSPO-079	Play area, side of 15 Fisherman's Walk, Bulwark, Chepstow	E
CHW-PSPO-080	Chepstow Cemetery, Bulwark (both old and new sections)	LO
CHW-PSPO-081	Chepstow AFC Larkfield Chepstow	E
CHW-PSPO-082	Chepstow Rugby Club, Western Ave, Chepstow	E
CHW-PSPO-083	Thornwell AFC football pitch, Chepstow	E
CHW-PSPO-084	Garden City sports pitch Chepstow	E
CHW-PSPO-085	Chepstow School and Leisure Centre	E
CHW-PSPO-086	Pembroke Primary School, Fairfield Rd, Bulwark, Chepstow	E
CHW-PSPO-087	St Mary's Roman Catholic Primary, Bulwark Rd, Chepstow	E
CHW-PSPO-088	The Dell Primary School, Welsh St, Chepstow	E
CHW-PSPO-089	Thornwell Primary School, Thornwell Rd, Chepstow	E
Crucorney		
CRC-PSPO-090	Llanvihangel Crucorney Primary School	E
CRC-PSPO-091	Crucorney play area Wern Gifford	E
Devauden		
DEV-PSPO-092	Play area 14 Wesley Way, Devauden, Chepstow	E
Gobion Fawr		
GOF-PSPO-093	Play area 8 St Davids Cres, Llanddewi Rhydderch	E
GOF-PSPO-094	The Bryn Play Area	E
GOF-PSPO-095	Llanvapley Sports + Social Assoc, off B4233, Llanvapley	E
Goytre Fawr		
GYF-PSPO-096	Recreation Ground and play area Goytre (excluding dog walking area)	E
GYF-PSPO-097	Clos Telyn play area, Goytre	E
GYF-PSPO-098	Goytre Community Garden Capel Ed Church	LO
GYF-PSPO-099	Goytre Primary School	E
Llanbadoc		
LLB-PSPO-100	Llanbadoc Island play area, Llanbadoc	E
LLB-PSPO-101	Usk Island play area USK	E
LLB-PSPO-102	Pocket park play area, Little Mill	E
LLB-PSPO-103	Glascoed Common play area Glascoed, Usk	E
LLB-PSPO-104	Cae Melin play area Little Mill	E
LLB-PSPO-105	Usk Island sports pitch	E

Llanelly		
LLY-PSPO-106	Clydach Recreation Ground play area	E
LLY-PSPO-107	Play area at Llanelly Hill playing fields	E
LLY-PSPO-108	Play area at Penllwyn open space Llanelly Hill	E
LLY-PSPO-109	Llanelly Cemetery, Gilwern	LO
LLY-PSPO-110	Gilwern sports pitches, MUGA and play area	E
LLY-PSPO-111	Gilwern recreation ground	LO
LLY-PSPO-112	Clydach AFC sports pitch	E
LLY-PSPO-113	Clydach recreation ground	LO
LLY-PSPO-114	Gilwern Primary school	E
Llanfoist Fawr		
LLF-PSPO-115	Play area at 47 Thomas Hill Close, Abergavenny	E
LLF-PSPO-116	Play area at 6 St Faith's Close, Abergavenny	E
LLF-PSPO-117	Play area at rear of 10 Maeshyfryd Govilon	E
LLF-PSPO-118	King George V Field, Govilon	E
LLF-PSPO-119	Centenary Field, Llanfoist	E
LLF-PSPO-120	Owain Glyndwr Field, Llanellen	E
LLF-PSPO-121	Llanfoist Cemetery, Abergavenny	LO
LLF-PSPO-122	Llanfoist Fawr Primary School	E
Llangybi		
LLG-PSPO-123	Play area at 13 St Cybi Avenue Llangybi	E
Llantilio Pertholey		
LLP-PSPO-124	Ysgol Gymraeg Y Fenni, St Davids Rd, Abergavenny	E
LLP-PSPO-125	Play area rear of 104 Dan Y Deri Abergavenny	E
LLP-PSPO-126	Play area rear of 30 Danyderi Abergavenny	E
LLP-PSPO-127	Llantilio Pertholey Primary school	E
Magor & Undy		
MAU-PSPO-128	Play area 12 Rockfield View, Undy	E
MAU-PSPO-129	Play area 18 Cowlease Magor	E
MAU-PSPO-130	Play area Redwick Road Magor	E
MAU-PSPO-131	Play area 12 Windsor Park, Magor	E
MAU-PSPO-132	Play area 25 Manor Chase, Undy	E
MAU-PSPO-133	Play area 3 Windsor Close Magor	E
MAU-PSPO-134	Play area Kensington Park, Magor	E
MAU-PSPO-135	Play area at Undy football club Undy	E
MAU-PSPO-136	Sports pitches at Undy football club Undy	E
MAU-PSPO-137	Undy AFC (other parts of site not pitches or play area)	LO
MAU-PSPO-138	Sycamore Play area - next to Magor Church of wales school	E
MAU-PSPO-139	Play area Mill Reen Magor/ Rear 39 Cowlease Magor	E

MAU-PSPO-140	Play area Elm Avenue Undy/ 10 Yew tree Close	E
MAU-PSPO-141	Magor CiW School, Sycamore sports Field	E
MAU-PSPO-142	Magor CiW School	E
MAU-PSPO-143	Undy Primary	E
Mitchel Troy		
MTR-PSPO-144	Mitchel Troy play area	E
Monmouth		
MON-PSPO-145	Play area at Chippenham Mead, Monmouth	E
MON-PSPO-146	Play area at Monnow Keep, Monmouth	E
MON-PSPO-147	Play area at Troy Gardens, Monmouth	E
MON-PSPO-148	Play area at 25 Cornwallis Way Rockfield Estate, Monmouth	E
MON-PSPO-149	Play area at Tudor Road Wyesham Monmouth	E
MON-PSPO-150	Play area at Woodland View Wyesham, Monmouth	E
MON-PSPO-151	Play area at Hendre Close Monmouth	E
MON-PSPO-152	Play area rear of 49 Kings Fee playing field Monmouth	E
MON-PSPO-153	Play area at 21 Oaklands Dive, Rockfield Monmouth	E
MON-PSPO-154	Play area at 17 Willow Drive, Rockfield, Monmouth	E
MON-PSPO-155	Play area 19 Maple Drive, Rockfield, Monmouth	E
MON-PSPO-156	Play area 5 Jordan Way, Rockfield, Monmouth	E
MON-PSPO-157	Play area at Carbonne Close, Monmouth	E
MON-PSPO-158	Play area at 17 Goldwire Lane, Monmouth	E
MON-PSPO-159	Play area at 17 Cornpoppy Avenue, Rockfield Monmouth	E
MON-PSPO-160	Play area next to Osbaston Infants school, Monmouth	E
MON-PSPO-161	Sports pitches at Chippenham Mead	E
MON-PSPO-162	Rockfield sports pitch	E
MON-PSPO-163	Football pitch Tudor Rd Wyesham	E
MON-PSPO-164	Monmouth Cemetery, Osbaston	LO
MON-PSPO-165	Kymin View Primary	E
MON-PSPO-166	Overmonnow School	E
MON-PSPO-167	Osbaston Primary school	E
MON-PSPO-168	Monmouth Comprehensive school and leisure centre	E
Portskewett		
PSK-PSPO-169	Quest Field play area and benches	LO
PSK-PSPO-170	Play area rear of 2 Walker flats Sudbrook	E
PSK-PSPO-171	Archbishop Rowan Williams Primary	E
Raglan		
RAG-PSPO-172	Play area Prince Charles Rd Raglan	E
RAG-PSPO-173	Raglan Primary School, Station Rd	E

Rogiet		
ROG-PSPO-174	Rogiet Play Area 30 West Way, Rogiet	E
ROG-PSPO-175	Play area 20 Yew Tree Rise Rogiet	E
ROG-PSPO-176	Play area Barn Owl Road, Rogiet	E
ROG-PSPO-177	Play area 2 Buzzard Close Rogiet	E
ROG-PSPO-178	Rogiet Playing Field, sports pitch	E
ROG-PSPO-179	MUGA at playing field Rogiet	E
ROG-PSPO-180	Rogiet Primary School	E
ROG-PSPO-181	Play area 11 Poplar Close, Rogiet	E
St Arvans		
STA-PSPO-182	St Arvans King George V play area	E
Shirenewton		
SHN-PSPO-183	Shirenewton, Playgroup Nature Garden and Play Area	E
SHN-PSPO-184	Shirenewton Primary School	E
Skenfrith		
SKN-PSPO-185	Cross Ash Primary School	E
Trellech		
TRL-PSPO-186	Llanishen play area, by village hall, Llanishen	E
TRL-PSPO-187	Play area 2 Roman Way, Trellech	E
TRL-PSPO-188	Trellech Primary	E
Usk		
USK-PSPO-189	Play area Maryport Street Usk	E
USK-PSPO-190	Play area 13 Trelawny Close Usk	E
USK-PSPO-191	Play area Silure View, Usk	E
USK-PSPO-192	Play area Blestium Drive, Usk	E
USK-PSPO-193	Usk Church in Wales School	E
Whitecastle		
WTC-PSPO-194	Llanvihangel Ystern Llewern Churchyard	LO
Wye Valley		
WYV-PSPO-195	Play area Old Station Tintern	E
WYV-PSPO-196	Play area Llandogo, Holmfield Drive, Llandogo	E
WYV-PSPO-197	Play area at 2 Sylan View Tintern	E
WYV-PSPO-198	Llandogo Primary school	E

END OF DOG CONTROLS REFERENCE LIST