

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad:
Ystafell Bwyllgora 3 – y Senedd

Dyddiad:
Dydd Iau, 11 Gorffennaf 2013

Amser:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Agenda

1 Cyflwyniad, ymddiheuriadau a dirprwyon

2 Craffu ar waith y Gweinidog Cymunedau a Threchu Tlodi (09:30 – 10:30) (Tudalennau 1 – 35)
E&S(4)–20–13 papur 1

Jeff Cuthbert AC, Y Gweinidog Cymunedau a Threchu Tlodi
Kate Cassidy, Cyfarwyddwr Cymunedau a Threchu Tlodi
Andrew Charles, Pennaeth Datblygu Cynaliadwy

3 Cymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu – Trafodaeth gyda Rhodri Glyn Thomas AC (10:30 – 11:15) (Tudalennau 36 – 43)
E&S(4)–19–13 papur 2

Rhodri Glyn Thomas AC, Aelod, Pwyllgor y Rhanbarthau
Gregg Jones, Pennaeth Swyddfa UE Cynulliad Cenedlaethol Cymru

4 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer eitem 5

Egwyl (11:15 – 11:30)

Sesiwn breifat

5 Cynigion i ddiwygio'r Polisi Amaethyddol Cyffredin a'r Polisi Pysgodfeydd Cyffredin – trafodaeth ar y sefyllfa diweddaraf (11:30 – 12:30) (Tudalennau 44 – 47)

Dermot Ryan, Cynrychiolydd Parhaol Iwerddon i'r UE

Gregg Jones, Pennaeth Swyddfa UE Cynulliad Cenedlaethol Cymru

Sesiwn gyhoeddus

6 Deddfwriaeth rheoli cŵn – Trafodaeth bwrdd crwn (13:30 – 14:30)
(Tudalennau 48 – 106)

E&S(4)-19-13 papur 3 : RSPCA Cymru

E&S(4)-19-13 papur 4 : Cymdeithas Prif Swyddogion Heddlu Cymru

Gavin Grant, Prif Weithredwr, RSPCA Cymru

Gareth Pritchard, Dirprwy Brif Gwnstabl Dros dro, Heddlu Gogledd Cymru

Dave Joyce, Swyddog Cenedlaethol Iechyd, Diogelwch ac Amgylchedd, CWU

Sally Burnell, Pennaeth y Cyfryngau a Cysylltiadau Cyhoeddus, Cymdeithas

Milfeddygol Prydain

7 Papurau i'w nodi (Tudalennau 107 – 112)

Cofnodion y cyfarfodydd a gynhaliwyd ar 5, 13 a 19 Mehefin

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Craffu ar waith y Gweinidog Cymunedau a Threchu Tlodi – Tystiolaeth ysgrifenedig ar ddatblygu cynaliadwy

Cyflwyniad

1. Mae'r papur hwn yn darparu tystiolaeth ysgrifenedig gan y Gweinidog Cymunedau a Threchu Tlodi ar y cynnydd at y Bil Datblygu Cynaliadwy.

Cefndir

2. Tyfodd datblygu cynaliadwy allan o'r angen am fodel datblygu na chanolbwyntiai'n unig ar dwf economaidd – er mwyn ymateb i ymwybyddiaeth gynyddol o'r amgylchedd a chyfiawnder cymdeithasol. Daeth y term datblygu cynaliadwy at sylw'r cyhoedd ar ôl cyhoeddi adroddiad Comisiwn Brundtland y Cenhedloedd Unedig, Ein Dyfodol Cyffredin, yn 1987. Mae'n datgan

Bod gan ddynoliaeth y gallu i wneud datblygu yn gynaliadwy – gan sicrhau datblygu sy'n bodloni anghenion y presennol heb gyfaddawdu gallu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

3. Bu gan Gynulliad Cenedlaethol Cymru dan adran 121 o Ddeddf Llywodraeth Cymru 1998 ac yna Weinidogion Cymru dan adran 79 o Ddeddf Llywodraeth Cymru 2006 ddyletswydd sy'n mynnu eu bod yn gwneud cynllun sy'n datgan sut maent yn bwriadu, wrth ymarfer eu swyddogaethau, hybu datblygu cynaliadwy. Er 1998, cyhoeddwyd tri chynllun, a'r diweddaraf o'r rhain yw *Cymru'n Un: Cenedl Un Blaned – Cynllun Datblygu Cynaliadwy Llywodraeth Cynulliad Cymru* a gyhoeddwyd yn 2009. Mae hwn yn datgan gweledigaeth Llywodraeth Cymru am Gymru gynaliadwy, ac mae'n diffinio datblygu cynaliadwy fel a ganlyn.

Datblygu cynaliadwy yng Nghymru

Mae datblygu cynaliadwy yn golygu gwella lles economaidd, cymdeithasol ac amgylcheddol pobl a chymunedau, gan sicrhau ansawdd bywyd gwell i'n cenedlaeth ein hunain a chenedlaethau'r dyfodol mewn ffyrdd sydd;

- yn hybu chyfiawnder cymdeithasol a chyfle cyfartal; ac

- yn gwella'r amgylchedd diwylliannol a naturiol ac yn parchu ei gyfyngiadau – gan ond defnyddio ein cyfran deg o adnoddau'r ddaear a chynnal ein hetifeddiaeth ddiwylliannol.

Datblygu cynaliadwy yw'r broses a ddilynwn i gyrraedd nod cynaliadwyedd.

4. Dan adran 79 o Ddeddf Llywodraeth Cymru 2006, mae gan Weinidogion Cymru ddyletswydd i gyhoeddi adroddiad ar sut y gweithredwyd y cynigion a gafodd eu datgan yn y cynllun datblygu cynaliadwy yn y flwyddyn ariannol honno. Yn Nhachwedd 2012 cyhoeddodd Llywodraeth Cymru ei 12fed Adroddiad Blynyddol ar Ddatblygu Cynaliadwy. Roedd hyn yn cynnwys sylwebaeth gan y Comisiynydd Dyfodol Cynaliadwy. Mae Llywodraeth Cymru hefyd yn cyhoeddi set o Ddangosyddion Datblygu Cynaliadwy ar gyfer Cymru er mwyn mynegi ac amlygu'r cynnydd mewn materion allweddol a meysydd blaenoriaeth ar gyfer datblygu cynaliadwy. Cyhoeddwyd y dangosyddion diweddaraf yn Awst 2012.
5. Hyd at Fawrth 2011, y Comisiwn Datblygu Cynaliadwy (CDC) oedd cynghorydd Llywodraeth Cymru ar ddatblygu cynaliadwy. Ei rôl oedd darparu i Lywodraeth Cymru gyngor ar bolisïau, datblygu gallu ac asesiadau annibynnol. Pan ddaeth y CDC i ben, penododd Llywodraeth Cymru Gomisiynydd Dyfodol Cynaliadwy i roi arweinyddiaeth ar ddatblygu cynaliadwy yng Nghymru.

Cynigion deddfu

6. Yn y Rhaglen Lywodraethu ymrwymodd Llywodraeth Cymru i ddeddfu er mwyn sefydlu datblygu cynaliadwy fel y brif egwyddor drefniadol mewn sefydliadau gwasanaethau cyhoeddus datganoledig yng Nghymru, a sefydlu corff datblygu cynaliadwy annibynnol.
7. Yn natganiad y Prif Weinidog ar raglen ddeddfwriaethol Llywodraeth Cymru ar 12 Gorffennaf 2011, datganodd

Byddwn yn deddfu er mwyn sefydlu datblygu cynaliadwy fel y brif egwyddor drefniadol yn ein holl weithredu ar draws y Llywodraeth a'r cyrff cyhoeddus, gan gyflwyno Bil Datblygu Cynaliadwy. Bydd y dull gweithredu hwn yn neilltuo Cymru fel gwlad gynaliadwy, gan arwain o'r tu blaen... bydd y Bil yn darparu ar gyfer sefydlu corff annibynnol i

barhau ag etifeddiaeth y Comisiwn Datblygu Cynaliadwy mewn ffordd sy'n adlewyrchu buddiannau ac anghenion Cymru orau.

8. Mae Llywodraeth Cymru wedi ymrwymo i gyflwyno Bil yn nhymor y Cynulliad hwn ac wrth ddatblygu'r cynigion ar gyfer y Bil mae Llywodraeth Cymru wedi ymgysylltu ac wedi ymgynghori ag amrediad eang o randdeiliaid ers gwneud yr ymrwymiad hwn. Mae hyn wedi cynnwys:

Rhagfyr 2011

Cafodd dogfen ymchwiliol i gasglu barn rhanddeiliaid ei chyhoeddi a'i thrafod mewn digwyddiad ymgysylltu a gynhaliwyd yn Stadiwm y Mileniwm yng Nghaerdydd.

Mai 2012 – Awst 2012

Cafodd papur ymgynghori ar y cynigion ar gyfer Bil Datblygu Cynaliadwy ei lansio ar 9^{fed} Mai 2012 am gyfnod deg wythnos, gan ddod i ben ar 18^{fed} Gorffennaf 2012. Yn ychwanegol at y digwyddiad lansio yn Abertawe, cynhaliwyd pedwar o ddigwyddiadau ymgynghori agored pellach ym Mangor, Caerdydd, Doc Penfro a Wrecsam.

Drwyddo draw, cafwyd 3,927 o ymatebion ysgrifenedig i'r ymgynghoriad gyda'r mwyafrif mawr ohonynt (3,749) yn ddau ymateb safonol a anfonwyd gan y cyhoedd ac ar ran WWF ac Oxfam, gan gyfrannu 3,163 a 586 o ymatebion, yn y drefn honno. Daeth y 178 o ymatebion oedd yn weddill oddi wrth amrywiol ymatebwyr o'r trydydd sector, llywodraeth leol, gwasanaethau cyhoeddus, unigolion a sefydliadau preifat. Cyflwynwyd adroddiad yn crynhoi'r ymgynghoriad ym Medi 2012 i'r wefan a chyhoeddwyd copïau o'r holl ymatebion i'r ymgynghoriad.

Rhagfyr 2012 – Mawrth 2013

Lansiwyd Papur Gwyn yn datgan y cynigion ar gyfer Bil Datblygu Cynaliadwy yn Ysgol Gynradd Treftadaeth Blaenafon ar 3ydd Rhagfyr am gyfnod o dair wythnos ar ddeg, gan ddod i ben ar 4ydd Mawrth 2013. Cafodd oddeutu 5,000 o sefydliadau ac unigolion fwletinau gan Lywodraeth Cymru yn ystod y cyfnod ymgynghori. Ceisiwyd cyfleoedd i ymgysylltu ymhellach â'r rhanddeiliaid yn ystod y cyfnod ymgynghori.

Roedd hyn yn cynnwys digwyddiadau dan arweiniad Llywodraeth Cymru yng Nghyffordd Llandudno, Llandrindod a Chaerdydd. Mynychodd oddeutu 190 o bobl y sesiynau hyn gyda chynrychiolwyr yn dod o drawstoriad o sectorau, gan gynnwys gweithwyr yn y maes iechyd, addysg, y Gwasanaeth Tân, yr Heddlu, trafniadaeth, cynllunio, Awdurdodau Lleol, aelodau cynghorau a'r cyhoedd.

Cafodd Llywodraeth Cymru 473 o ymatebion i'r ymgynghoriad. Daeth 177 o ymatebion i law oddi wrth y cyhoedd a oedd yn anfon ymateb safonol i mewn ar ran grŵp ymgyrchu'r Gymraeg, Cymdeithas yr Iaith. Daeth 142 o ymatebion i law oddi wrth y cyhoedd a oedd yn anfon ymateb safonol i mewn ar ran Cyfeillion y Ddaear Cymru. Daeth y 154 o ymatebion eraill i law oddi wrth amrywiaeth eang o sefydliadau ac unigolion preifat, yn bennaf yn y sector cyhoeddus ond hefyd yn y sector preifat a'r trydydd sector.

Grŵp Cyfeirio

9. Ym Medi 2012 sefydlodd Llywodraeth Cymru grŵp cyfeirio allanol er mwyn hysbysu datblygu'r Bil. Mae'r grŵp, sydd dan gadeiryddiaeth y Comisiynydd Dyfodol Cynaliadwy, yn cynnwys cynrychiolwyr o blith amrywiol sefydliadau gwasanaethau cyhoeddus a fydd yn ddarostyngedig i'r Bil, a sefydliadau sydd â diddordeb mewn datblygu cynaliadwy. Mae'r Gweinidog Cymunedau a Threchu Tlodi wedi ysgrifennu at y Comisiynydd i bwysleisio'r angen i aelodaeth y Grŵp Cyfeirio fod yn gytbwys er mwyn sicrhau y ceir arno gynrychiolaeth ddigonol o'r sector cymdeithasol a'r sector economaidd yn ogystal ag o'r sector amgylcheddol, ac o blith y rheini y bydd darpariaethau'r Bil yn effeithio arnynt.

Gofynion Allweddol

10. Mae Llywodraeth Cymru wedi sefydlu pump o ofynion allweddol i helpu i siapio'r datblygu polisiau sy'n sylfeini i'r cynigion deddfwriaethol. Sef:
 - Cefnogi sefydlu datblygu cynaliadwy ym mhrosesau gwneud penderfyniadau'r sector cyhoeddus.
 - Grymuso ac ysgogi newid cadarnhaol.
 - Osgoi ychwanegu haenau o fiwrocratiaeth ychwanegol a chost, a mynd yn ymarferiad ticio bocsys.

- Osgoi rhwystro arloesi a mynd â hyblygrwydd oddi ar sefydliadau i gyrraedd atebion cynaliadwy sydd orau i'w hamgylchiadau hwy.
- Sicrhau y bydd datblygu cynaliadwy yn cael effaith ymarferol ac nid dim ond yn set o egwyddorion lefel uchel.

11. Mae'r gofynion hyn yn parhau i arwain datblygu'r polisi yn dilyn y Papur Gwyn er mwyn sicrhau ein bod yn cyflenwi deddfwriaeth effeithiol.

Rhyngwladol

12. Ar y lefel ryngwladol, ym Mehefin 2012 cyfarfu llywodraethau o bob cwr o'r byd ar gyfer Cynhadledd Rio+20 y Cenedloedd Unedig ar Ddatblygu Cynaliadwy. Cytunodd y gynhadledd ar y ddogfen ganlyniadau *The Future We Want*, sy'n datgan amrywiol ymrwymadau a chanlyniadau hirdymor i hybu datblygu cynaliadwy. Yn y gynhadledd, cafwyd consensws bod nodau Datblygu Cynaliadwy yn angenrheidiol i roi ffocws i ddatblygu byd-eang a'i integreiddio i'r dyfodol. Mae Panel Lefel Uchel wrthi'n ystyried y nodau hyn gyda'r nod o sefydlu'r nodau hyn ar ôl 2015.

13. Yn yr uwchgynhadledd llofnododd Gweinidog yr Amgylchedd a Datblygu Cynaliadwy ddau ddatganiad. Y cyntaf yn ymrwmo i 'Chwyldro Glân a'r Economi Werdd' y Grŵp Hinsawdd a'r ail yn ymrwmo i 'Batrwm Newydd ar gyfer Datblygu Cynaliadwy a Dileu Tlodi' – a gyflwynwyd yng Nghynulliad Cyffredinol Cynghrair y Rhanbarthau a'r Gwladwriaethau.

Llunio polisiau ar ôl y Papur Gwyn

14. Mae angen i'r modd y mae Cymru'n datblygu fel cenedl sicrhau cyfiawnder cymdeithasol a bod yn economaidd hyfyw ac amgylcheddol gadarn. Dylai edrych i'r dyfodol fel bod penderfyniadau heddiw yn sicrhau dyfodol diogel a ffyniannus i'n plant a'n hwyrion a'n hwyresau. Mae'r Bil yn cynnig cyfle unigryw i hoelio sylw ein gwasanaeth cyhoeddus yng Nghymru ar roi sylw i'r sialensiau allweddol sy'n wynebu cenedlaethau heddiw ac yfory, mewn ffordd sy'n adlewyrchu tegwch a chynaliadwyedd sy'n werthoedd Cymreig craidd.

15. Yn dilyn y Papur Gwyn mae Llywodraeth Cymru wedi ystyried y farn a fynegwyd yn yr ymatebion i'r ymgynghoriad ac wedi ymgysylltu ymhellach gyda'r Comisiynydd Dyfodol Cynaliadwy a Grŵp Cyfeirio allanol y Bil i

hysbysu fy syniadaeth. Mae hyn wedi codi nifer o bwyntiau trafod allweddol sy'n cael eu pwysu a'u mesur mewn mwy o fanylder ar hyn o bryd. Croesewir teimladau'r Pwyllgor am y rhain er mwyn hysbysu datblygu'r polisi yn y cyfnod cyn cyflwyno'r Bil.

Ymgysylltu a Chynnwys

16. Mae pobl a chymunedau wrth wraidd datblygu cynaliadwy. Mae'r drafodaeth ar y sialensiau a wynebwn fel cenedl a'r atebion a ddewiswn angen bod yn fwy cynhwysol. Gallai'r Bil chwarae rhan bwysig i hwyluso sgwrs genedlaethol barhaus am y modd yr ydym yn datrys gwrthdaro ac yn manteisio i'r eithaf ar y cyfleoedd sydd ar gael i ni. Gallai hyn fod dan arweiniad Corff annibynnol a byddai'n arwain at lunio adroddiad rheolaidd ar ran cenedlaethau'r dyfodol.
17. Gallai adroddiad o'r fath ganolbwyntio ar ddadansoddi anghenion cenedlaethau'r dyfodol yng Nghymru er mwyn ein helpu ni, a'r gwasanaeth cyhoeddus ehangach i wneud dewisiadau gwell dros ein cymunedau. Mae Awstralia yn un esiampl ddiddorol gan ei bod yn llunio adroddiad sy'n edrych ar y tueddiadau hirdymor, yn ogystal ag adroddiad annibynnol ar y cynnydd at gynaliadwyedd. Gallai Cynulliad Cenedlaethol Cymru chwarae rhan bwysig yn trafod yr adroddiad rheolaidd hwn.
18. Yn ogystal â hyn, mae'r ymatebion i'r ymgynghoriad wedi dangos y diddordeb oddi wrth amrywiol sectorau a grwpiau diddordeb yn y Bil. Bydd yn bwysig sicrhau bod gan y rheini o'r sector busnes a'r sector cymdeithasol gymaint o ran i'w chwarae â rhanddeiliaid eraill. Byddai hyn yn helpu i ail gydbwyso'r drafodaeth. Mae hyn yn bwysig gan na allwn wahanu ein hamgylchedd oddi wrth ein gweithgareddau economaidd nac oddi wrth ein gweithredu i sicrhau cyfiawnder cymdeithasol i bobl a chymunedau.

Ffocws ar gymunedau

19. Mae Llywodraeth Cymru yn awyddus i sicrhau bod ffocws y Bil yn aros ar anghenion pobl a chymunedau yng Nghymru, nid ar sefydliadau na darparwyr gwasanaethau. Mae hyn yn cydnabod bod ein cymunedau yn dderbynwyr llawer o wahanol wasanaethau cyhoeddus, ni waeth pwy sy'n darparu'r gwasanaethau hyn. Mae hyn yn golygu bod yn rhaid i'r Bil

gefnogi a hwyluso gwell gweithio cydgysylltiedig lle ceir cydgyfrifoldeb dros roi sylw i sialensiau megis anfantais gymdeithasol.

Dewisiadau gwell

20. Dylai'r Bil newid yn sylfaenol y modd y caiff penderfyniadau mawr eu gwneud yng Nghymru. Drwy wneud datblygu cynaliadwy yn brif egwyddor drefniadol, gall y Bil sicrhau y ceir ffocws cadarn ar yr hyn y mae'r gwasanaeth cyhoeddus yn ceisio rhoi sylw iddo, a sicrhau bod penderfyniadau yn cydnabod y cysylltiadau rhwng cyfiawnder cymdeithasol, ffyniant economaidd a'r rheolaeth dros adnoddau naturiol. Ar hyn o bryd nid oes dim cysondeb yn y modd y mae sefydliadau gwasanaethau cyhoeddus yn ystyried sut y mae eu penderfyniadau yn darparu manteision cymdeithasol, economaidd ac amgylcheddol, yn awr ac yn yr hirdymor, nac yn y modd y ceisiant roi sylw i'r sialensiau allweddol sy'n wynebu Cymru. Dyma'r bylchau y mae'r Bil yn ceisio'u llenwi.

Diffinio

21. Mae Llywodraeth Cymru yn cydnabod yr angen i egluro, drwy gyfrwng y Bil, yr hyn y mae datblygu cynaliadwy yn ei olygu. Er hynny, nid yw hyn ond yn golygu diffinio datblygu cynaliadwy a gadael i sefydliadau benderfynu beth mae hyn yn ei olygu'n ymarferol, ond yn hytrach defnyddio'r ddeddfwriaeth i fod yn glir ynglŷn â'r hyn y bydd angen i sefydliadau ei wneud. Nod y Papur Gwyn oedd hoelio sylw'r Bil ar wella lles Cymru, er mwyn sicrhau datblygu cynaliadwy fel y'i diffinnir (para 3). Defnyddir y term lles yn adran 60 o Ddeddf Llywodraeth Cymru 2006. Mae'r ddarpariaeth hon yn galluogi Gweinidogion Cymru i wneud unrhyw beth yr ystyriant sy'n briodol i hybu neu wella lles economaidd, lles cymdeithasol, a lles amgylcheddol Cymru. Mae'r Pwyllgor wedi mynegi barn am ddefnyddio'r term hwn. Mae hwn yn cael ei ystyried yn ofalus yng nghydestun y ddyletswydd a gaiff ei gosod ar sefydliadau.

Y ddyletswydd bresennol

22. Bydd ein cynigion am ddyletswydd yn ymestyn i Lywodraeth Cymru, ac rydym wedi dangos yr angen i Lywodraeth Cymru fod yn un o'r sefydliadau cyntaf i fod yn ddarostyngedig i ofynion y Bil. Bydd angen ystyried felly ddyletswydd bresennol Gweinidogion Cymru i wneud cynllun datblygu

cynaliadwy, yn Neddf Llywodraeth Cymru 2006. Rydym yn ffafrio o hyd y dylai'r ddyletswydd newydd, gadarnach ddisodli'r ddyletswydd bresennol. Fodd bynnag, nid oes gan Gynulliad Cenedlaethol Cymru ar hyn o bryd y cymhwysedd deddfwriaethol i ddiwygio'r adran berthnasol o Ddeddf Llywodraeth Cymru 2006. Rydym wrthi'n trafod gyda Llywodraeth y DU yn dilyn ein cais i ymestyn cymhwysedd y Cynulliad yn y mater hwn.

Atebolrwydd

23. Mae'n hanfodol bod sefydliadau yn atebol am y penderfyniadau a wnânt ac am y cyfraniad a wnânt i genedlaethau'r presennol a'r dyfodol. Mae angen ystyried hwn yng nghyd-destun ein gweithredu ehangach i wella atebolrwydd yn y gwasanaeth cyhoeddus. Gall y Bil chwarae rhan bwysig i gryfhau atebolrwydd ar ddatblygu cynaliadwy. Er hynny, mae Llywodraeth Cymru yr un mor awyddus i sicrhau ein bod i ddechrau yn edrych ar gyfleoedd i sefydlu datblygu cynaliadwy yn y peirianweithiau presennol ar gyfer atebolrwydd yn hytrach na'i fod yn gyfrifoldeb cyfan gwbl i sefydliad neilltuol. Mae hyn yn golygu edrych ar sut ydym ni'n gwella tryloywder wrth wneud penderfyniadau, y ffordd y gallwn gryfhau'r modd y mesurwn ac yr olrheiniwn y cynnydd at gynaliadwyedd, sut y caiff sefydliadau eu harchwilio (gan gynnwys rôl Swyddfa Archwilio Cymru), y trefniadau craffu mewnol sy'n bodoli a rôl craffu democrataidd.

Corff Datblygu Cynaliadwy annibynnol

24. Mae'r sialensiau i'n gwasanaeth cyhoeddus wrth gyflenwi hyn yn fawr, ond ni ellir eu hosgoi. Gwêl Llywodraeth Cymru rôl allweddol i'r Corff fel eiriolwr dros genedlaethau'r dyfodol, gan gefnogi ac arwain sefydliadau yng Nghymru. Cynigiai'r Papur Gwyn y byddai'r pwerau'n cael eu rhoi i Gomisiynydd, gyda phanel ymgynghorol yn ei gefnogi o bosibl. Gallai'r panel ymgynghorol hwn ddarparu rôl bwysig i baratoi adroddiad rheolaidd ar ran cenedlaethau'r dyfodol fel yr amlygir uchod. Bydd Llywodraeth Cymru yn parhau i edrych ar y model gorau ar gyfer y Corff yng ngoleuni'r ddyletswydd a roddir ar sefydliadau a'r ffyrdd y gellir cryfhau'r atebolrwydd. Dim ond wedyn y gallwn ganfod orau lle mae'r bwlch a pha rôl y gall ac y dylai'r corff ei chwarae.

Camau nesaf

25. Mae Llywodraeth Cymru wedi ymgynghori ac wedi ymgysylltu ag amrywiol randdeiliaid ynglŷn â'r Bil ers i'r ymrwymiad gael ei wneud i ddechrau. Nid ydym yn bwriadu ymgynghori ar Fil drafft cyn ei gyflwyno. Bydd y Prif Weinidog yn gwneud datganiad ar y rhaglen ddeddfwriaethol ar 16^{eg} Gorffennaf.

26. Mae ein dyletswydd sylfaenol i hybu datblygu cynaliadwy yn Neddf Llywodraeth Cymru wedi parhau i gael consensws trawsbleidiol. Mae Llywodraeth Cymru yn awyddus i sicrhau bod hwn yn parhau. Yn anad dim oherwydd ein bod yn gadarn o blaid datblygu cynaliadwy o safbwynt y modd y cyflawnwn ein blaenoriaethau gan sicrhau ein bod yn creu gwell dyfodol i genedlaethau'r presennol a'r dyfodol yng Nghymru. Byddai barn y Pwyllgor am y meysydd y cyfeirir atynt uchod yn ddefnyddiol i hysbysu datblygu polisiau.

Jeff Cuthbert AC,
Y Gweinidog Cymunedau a Threchu Tlodi

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Eitem 3

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Sesiwn gyda Rhodri Glyn Thomas AC ar ei waith ar gyfer Pwyllgor y Rhanbarthau, gan ganolbwyntio'n benodol ar ei waith fel rapporteur ar gymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu.

Cyflwyniad

1. Lluniwyd y papur hwn ar gyfer cyfarfod y Pwyllgor Amgylchedd a Chynaliadwyedd ("y Pwyllgor") ar 11 Gorffennaf 2013. Mae'n rhoi gwybodaeth gefndir am waith Rhodri Glyn Thomas AC ar ei adroddiad i Bwyllgor y Rhanbarthau ar gymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu.

Pwyllgor y Rhanbarthau

2. Pwyllgor y Rhanbarthau yw cynulliad yr UE o gynrychiolwyr 'rhanbarthol' a lleol, ac un o ddau gorff ymgynghori (y llall yw Pwyllgor Economaidd a Chymdeithasol Ewrop) y mae Sefydliadau'r UE yn ymgynghori â hwy yn ystod y broses o greu polisiau a deddfau'r UE. Daw ei aelodaeth (344 aelod llawn a'r un nifer o eilyddion) o awdurdodau rhanbarthol a lleol ledled yr UE, wedi'u trefnu i 27 dirprwyaeth 'genedlaethol' (h.y. Aelod-wladwriaeth).
3. Mae gan y DU 24 aelod llawn a 24 eilydd ar Bwyllgor y Rhanbarthau. O fewn hwn, mae gan Gymru ddau aelod llawn a dau eilydd, gyda Llywodraeth Cymru'n cyflwyno enwebeion Cymru, er mai Llywodraeth y DU sy'n enwebu holl gynrychiolwyr y DU yn ffurfiol.
4. Yn draddodiadol, mae Llywodraeth Cymru wedi enwebu dau gynrychiolydd o Gynulliad Cenedlaethol Cymru (un llawn ac un eilydd) a dau o Gymdeithas Llywodraeth Leol Cymru. Ar hyn o bryd, Aelodau Cymru yw:

- Mick Antoniw AC (aelod llawn – ers diwedd Ebrill 2013 – yn cymryd lle Christine Chapman AC, a adawodd y swydd ym mis Tachwedd 2012)
- Rhodri Glyn Thomas AC (eilydd)
- Y Cyngorydd Bob Bright, arweinydd Casnewydd (aelod llawn)
- Y Cyngorydd Chris Holley, cyn arweinydd Abertawe (eilydd)

Mandad newydd ar gyfer 2010–2015

5. Cafodd Rhodri Glyn Thomas AC ei benodi'n ffurfiol i Bwyllgor y Rhanbarthau ar 26 Ionawr 2010, gyda mandad pum mlynedd.
6. Mae Rhodri yn eistedd ar y Comisiwn Adnoddau Naturiol, sef y 'pwyllgor' sy'n gyfrifol am amaethyddiaeth, pysgodfeydd, yr amgylchedd ac ati. Mae Rhodri hefyd yn eistedd ar y Comisiwn Ad Hoc Dros Dro ar y Gyllideb. Sefydlwyd hwn yn 2011 i roi canolbwynt i gyfraniad Pwyllgor y Rhanbarthau i'r trafodaethau ar lefel yr UE ar y Fframwaith Ariannol Amlflwydd ar gyfer 2014–2020.

Rapporteuriaethau

7. Mae Pwyllgor y Rhanbarthau'n mabwysiadu safbwyntiau gwleidyddol ar bolisiâu'r UE a chynigion deddfwriaethol drwy gytuno ar adroddiadau. Pan fydd y rhain mewn ymateb i ohebiaeth ffurfiol neu geisiadau gan un o Sefydliadau'r UE (y Comisiwn Ewropeaidd fel arfer) fe'u gelwir yn 'safbwyntiau'. Pan na fydd y rhain mewn ymateb i ohebiaeth/cais ffurfiol, disgrifir adroddiadau o'r fath fel safbwyntiau 'rhag blaen'.
8. Dros y 12 mis diwethaf mae Rhodri Glyn Thomas wedi cael ei enwebu i ysgrifennu tri adroddiad ar gyfer Pwyllgor y Rhanbarthau.
9. Mae dau o'r rhain yn ymwneud â'i rôl ar Gomisiwn y Gyllideb, ac mae'r ddau adroddiad bellach wedi cael eu cwblhau:
 - Creu synergeddau gwell rhwng cyllideb yr UE, cyllidebau cenedlaethol a chyllidebau is-genedlaethol, sef safbwynt rhag blaen. Mabwysiadwyd ym mis Ionawr 2013.

- Synergeddau rhwng buddsoddi preifat ac ariannu cyhoeddus i gefnogi twf economaidd ar lefel leol a rhanbarthol (gan gynnwys defnyddio arian Banc Buddsoddi Ewrop), yn ôl cais Llywyddiaeth Iwerddon o'r UE. Mabwysiadwyd ym mis Ebrill 2013.

10. Mae'r trydydd adroddiad yn ymwneud â phwnc y papur hwn a'r sesiwn hon gyda'r Pwyllgor Amgylchedd a Chynaliadwyedd. Mae'n ymwneud â'r diwygiadau arfaethedig i'r rheoliadau presennol ynghylch cymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu. Enwebwyd Rhodri Glyn Thomas gan ei grŵp gwleidyddol, y Cynghrair Ewropeaidd, i fod yn rapporteur ar gyfer safbwynt rhag-blaen Pwyllgor y Rhanbarthau ar adolygu'r rheoliadau hyn. Cafodd yr enwebiad ei gymeradwyo gan aelodau'r Comisiwn Adnoddau Naturiol ym mis Mai ac fe'i cadarnhawyd yn ffurfiol gan swyddfa wleidyddol Pwyllgor y Rhanbarthau ddiwedd mis Mai.

11. Penodwyd Gregg Jones, Pennaeth Swyddfa UE y Cynulliad, gan Rhodri i fod yn arbenigwr ar gyfer yr adroddiadau hyn. Cyflawnodd Gregg y swydd hon yn flaenorol ar gyfer y ddau adroddiad gan Christine Chapman yn ystod ei chyfnod hi fel aelod o Bwyllgor y Rhanbarthau. Prif ddyletswyddau'r swydd yw trefnu, cydlynu a chynorthwyo i ddrafftio'r adroddiad a hwyluso'r gwaith gyda gwasanaethau a grwpiau gwleidyddol Pwyllgor y Rhanbarthau.

Adolygiad o'r fframwaith rheoleiddio mewn perthynas â chymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu.

12. Mae'r Comisiwn Ewropeaidd yn cynnal adolygiad o'r rheoliadau presennol ynghylch Cymorth y wladwriaeth ar gyfer Pysgodfeydd a Dyframaethu, gyda'r bwriad o gyhoeddi rheoliadau diwygiedig yn 2014. Mae'r adolygiad hwn yn cael ei arwain gan y Gyfarwyddiaeth Gyffredinol dros Faterion Morol a Physgodfeydd, ar y cyd â'r Gyfarwyddiaeth Gyffredinol dros Gystadleuaeth (sy'n gyfrifol am y fframwaith rheoleiddio cymorth y wladwriaeth yn yr UE). Fel rhan o'r adolygiad hwn, yn ddiweddar, cynhaliodd y Comisiwn Ewropeaidd ymgynghoriad cyhoeddus, a ddaeth i ben ar 17 Mehefin.¹

¹ http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/state-aid/index_en.htm

13. Mae Pysgodfeydd a Dyframaethu yn ddarostyngedig i gyfraith yr UE ar gymorth y wladwriaeth, sy'n rheoli'r defnydd o gymorth ariannol a mathau eraill o gymorth gan awdurdodau cyhoeddus mewn Aelod-wladwriaethau i gefnogi busnesau. Mae fframwaith cymorth y wladwriaeth yr UE wedi'i nodi yng nghytuniadau'r UE, a mabwysiadwyd is-ddeddfwriaeth (a chanllawiau) i egluro sut y mae'r egwyddorion sylfaenol yn y cytuniadau yn gweithio'n ymarferol. Mae hyn yn cynnwys yr amgylchiadau pan fydd yn cael ei ystyried na fydd cymorth y wladwriaeth yn bodoli a, lle mae'n bodoli, yr amgylchiadau lle y gellir ei ganiatáu neu lle mae'n cael ei wahardd.²
14. Mae'r adolygiad sy'n cael ei gynnal gan y Comisiwn Ewropeaidd yn canolbwyntio ar ddau o'r prif reoliadau sy'n ymwneud â chymhwyso cymorth y wladwriaeth i'r sector pysgodfeydd a dyframaethu sector, yn ogystal â chfres o 'ganllawiau' am gymorth yn y sector hwn:
- Rheoliad (EC) Rhif 875/2007 o 24 Gorffennaf 2007 ar gymhwyso Erthyglau 87 ac 88 o'r Cytuniad mewn perthynas â chymorth de minimis yn y sector pysgodfeydd
 - Rheoliad (EC) Rhif 736/2008 o 22 Gorffennaf 2008 ar gymhwyso Erthyglau 87 ac 88 o'r Cytuniad i gymorth y wladwriaeth i fusnesau bach a chanolig eu maint sy'n cynhyrchu, prosesu a marchnata cynhyrchion pysgodfeydd (a elwir o hyn ymlaen yn "Rheoliad Eithriad Bloc")
 - Canllawiau ar gyfer cymhwyso cymorth y wladwriaeth i pysgodfeydd a dyframaethu (2008/C84/06), cyhoeddwyd 3 Ebrill 2008
15. Mae'r canllawiau hyn yn nodi'r rhwymedigaethau ar awdurdodau cyhoeddus i roi gwybod am ddefnydd cymorth y wladwriaeth o fewn y sector pysgodfeydd a dyframaethu, yn ogystal â'r egwyddorion y bydd y Comisiwn Ewropeaidd yn eu defnyddio i asesu a yw'r cymorth yn gydnaws â Chytuniadau'r UE. Mae'r canllawiau hefyd yn nodi'r mathau o gymorth y mae'r Comisiwn Ewropeaidd yn eu hystyried yn gydnaws.

² I gael esboniad pellach, gweler [tudalennau'r Gyfarwyddiaeth Gyffredinol Morol a Physgodfeydd ynghylch cymorth gwladwriaethol](#)

16. Mae gan y Comisiwn Ewropeaidd egwyddor sefydledig bod lefelau penodol o gymorth yn cael eu hystyried yn rhy isel neu'n ansylweddol i amharu ar y farchnad, sy'n golygu eu bod yn disgyn y tu allan i'r gyfundrefn cymorth y wladwriaeth. Gelwir cymorth o'r fath yn 'gymorth 'de minimis'. Yn y sector pysgodfeydd a dyframaeth, mae'r rheoliad 'de minimis' yn egluro'r lefel uchaf o gymorth (wedi'i osod ar €30,000 dros gyfnod o dair blynedd ariannol), yn ogystal â diffinio'r mathau o gymorth sy'n dod o fewn cwmpas y rheoliad hwn, a'r gofynion ar awdurdodau i ddarparu gwybodaeth i fonitro a chofnodi cymorth 'de minimis' a roddir i fusnesau o'r fath o fewn eu tiriogaeth.
17. Mae'r 'rheoliad eithrio bloc' wedi'i anelu'n bennaf at roi fframwaith syml i awdurdodau cyhoeddus er mwyn iddynt allu sefydlu cynlluniau cymorth i fusnesau bach a chanolig sy'n weithgar ym maes cynhyrchu, prosesu a marchnata cynhyrchion pysgodfeydd, heb orfod rhoi gwybod yn unigol am cynlluniau o'r fath, a heb orfod cael cymeradwyaeth unigol gan y Comisiwn Ewropeaidd. Mae'r rheoliad yn nodi'r mathau o gymorth a gwmpesir gan y rheoliadau, gofynion o ran tryloywder, amodau ar gyfer eithrio, dwyseddau cymorth, effeithiau cymhelliant a chyfuno cymorth. Mae hefyd yn nodi gofynion ar gyfer monitro ac adrodd i'r Comisiwn Ewropeaidd gan Aelod-wladwriaethau. Y rhesymeg sylfaenol yw bod profiad yn dangos y mathau o gymorth nad ydynt yn cael effaith niweidiol ar y farchnad, sydd yn annadleuol, ac a all fynd drwy broses 'symlach' (sy'n cyfateb i 'hunan-ddatgan') heb craffu a chymeradwyaeth unigol gan y Comisiwn Ewropeaidd
18. Ar gyfer y canllawiau a'r rheoliadau uchod, un o'r egwyddorion craidd sy'n sail i ddarpariaeth cymorth y wladwriaeth yw bod hyn yn gyson â pholisi cystadleuaeth yr UE a'r Polisi Pysgodfeydd Cyffredin. Bydd yr adolygiad o ddeddfwriaeth 2008, felly, yn edrych ar sut mae angen addasu'r fframwaith cyfreithiol yng nghyd-destun y diwygiadau diweddar a gytunwyd ar gyfer y Polisi Pysgodfeydd Cyffredin, ac yng ngoleuni'r profiadau dros y pum mlynedd diwethaf o ddefnyddio'r ddeddfwriaeth bresennol yn y sector pysgodfeydd a dyframaethu.

Adroddiad safbwynt gan Rhodri Glyn Thomas ar gymorth y wladwriaeth ar gyfer pysgodfeydd a dyframaethu

19. Mae'r adroddiad safbwynt rhag-blaen a wneir gan Rhodri Glyn Thomas wedi cael ei amseru i alluogi cyfraniad gan awdurdodau lleol a rhanbarthol i'r adolygiad a gynhelir gan y Comisiwn Ewropeaidd.
20. Fel sy'n arferol yn achos mabwysiadu adroddiadau Pwyllgor y Rhanbarthau, bydd yr adroddiad yn mynd drwy broses fabwysiadu dau gam:
 - trafod a mabwysiadu'r adroddiad am y tro cyntaf yn y Comisiwn Adnoddau Naturiol ar 1 Hydref 2013
 - mabwysiadu'r adroddiad yn y Cyfarfod Llawn ar 28-29 Tachwedd 2013.
21. Mae angen cwblhau'r adroddiad erbyn 2 Medi er mwyn iddo gael ei gyfieithu, yn barod ar gyfer ei drafod yn y Comisiwn Adnoddau Naturiol ar 1 Hydref. Fodd bynnag, oherwydd gwyliau'r haf, y terfyn amser gwirioneddol ar gyfer cyflwyno'r adroddiad yw diwedd mis Gorffennaf.
22. Er mwyn paratoi'r adroddiad, mae Rhodri yn casglu tystiolaeth ym Mrwsel ac yng Nghymru.
23. Ar 3-4 Gorffennaf, bydd Rhodri yn cael cyfarfodydd gyda'r swyddogion arweiniol o'r Gyfarwyddiaeth Gyffredinol dros Gystadleuaeth a'r Gyfarwyddiaeth Gyffredinol Morol a Physgodfeydd sy'n gyfrifol am y diwygiadau. Bydd hefyd yn cadeirio digwyddiad 'ymgyngori â rhanddeiliaid' ym Mhwyllgor y Rhanbarthau ar 4 Gorffennaf i glywed barn cynrychiolwyr cenedlaethol, rhanbarthol a lleol ym Mrwsel.
24. Mae'r broses casglu tystiolaeth yng Nghymru yn cynnwys y canlynol:
 - Cyfarfod gyda'r Gweinidog Adnoddau Naturiol Alun Davies AC ac uwch swyddogion Llywodraeth Cymru sy'n gyfrifol am bysgodfeydd (9 Gorffennaf)

- Cyfarfod gydag uwch swyddogion o Cyfoeth Naturiol Cymru sy'n arwain ar bolisi pysgodfeydd (10 Gorffennaf)
 - Cyfarfod o'r Pwyllgor Amgylchedd a Chynaliadwyedd (11 Gorffennaf)
 - Gohebiaeth / ymgynghori â'r sector pysgodfeydd a dyframaethu yng Nghymru
25. Yn ogystal â hyn, mae'r broses casglu tystiolaeth yn cynnwys ymchwil desg (adroddiadau / astudiaethau), ac rydym yn trafod gyda'r Comisiwn Ewropeaidd y posibilrwydd o gael dadansoddiad o'r ymatebion mwyaf perthnasol i'w ymgynghoriad o'r lefel leol / rhanbarthol.
26. Ar gyfer yr ymgynghoriad â rhanddeiliaid sy'n digwydd ar 4 Gorffennaf, rydym wedi gofyn i rhanddeiliaid ystyried y materion canlynol er mwyn helpu i hwyluso'r trafodaethau:
- Gwybodaeth am bwysigrwydd y sector pysgodfeydd i'w rhanbarth / ardal (neu'r sefydliadau y maent yn eu cynrychioli os mai rhwydwaith ydynt)
 - Eu profiadau wrth ddefnyddio'r rheoliadau cymorth y wladwriaeth presennol ar gyfer pysgodfeydd (de minimis a'r eithriad bloc): y defnydd a wneir o'r rhain; yr hyn sydd wedi gweithio'n dda; yr hyn sydd wedi bod yn anodd wrth ddefnyddio'r rheoliadau
 - Pa newidiadau yr hoffent eu gweld i'r rheolau presennol i'w gwella ac i'w gwneud yn haws i'w defnyddio, a pha newidiadau y maent yn ystyried yn arbennig o bwysig i sicrhau bod y rheolau'n cefnogi nodau ac amcanion y broses o ddiwygio'r Polisi Pysgodfeydd Cyffredin a gytunwyd yn ystod Llywyddiaeth Iwerddon o'r UE. Yn benodol, efallai y byddant yn dymuno tynnu sylw at sut mae'r rheolau cymorth y wladwriaeth yn galluogi defnyddio Cronfa Pysgodfeydd Ewrop (a Chronfa Morol a Physgodfeydd Ewrop yn y dyfodol) i gefnogi ailstrwythuro'r sector pysgodfeydd, gan gynnwys arallgyfeirio i ffurfiau eraill o gyflogaeth; sut y mae'n cefnogi datblygu sector pysgodfeydd sy'n gystadleuol, arloesol a chynaliadwy; sut y mae'n helpu i gefnogi datblygiad y sector dyframaethu a chynhyrchion / prosesau a chadwyni cyflenwi arloesol.

- A oes ganddynt unrhyw bryderon penodol gyda gofynion y rheoliad e.e. o ran monitro ac adrodd, a'r pwysau y gallai hyn ei roi ar fuddiolwyr cymorth a gweinyddiaethau cyhoeddus sy'n gyfrifol am fonitro ac adrodd ar gydymffurfiaeth.
 - Unrhyw sylwadau eraill y maent yn dymuno eu gwneud.
27. Byddai Rhodri Glyn Thomas yn croesawu cyfraniadau a sylwadau gan aelodau o'r Pwyllgor Amgylchedd a Chynaliadwyedd ar y materion pwysig hyn, er mwyn sicrhau bod yr adroddiad drafft yn rhoi ystyriaeth lawn i anghenion y sector pysgodfeydd a dyframaethu yng Nghymru.

Rhodri Glyn Thomas AC
Eilydd Pwyllgor y Rhanbarthau
2 Gorffennaf 2013

Eitem 5

Mae cyfyngiadau ar y ddogfen hon



Eitem 6

Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid
Royal Society for the Prevention of Cruelty to Animals

RSPCA Cymru evidence to Environment & Sustainability Committee Control of Dogs legislative issues July 2013

RSPCA Cymru remains deeply disappointed by the Welsh Government's decision to suspend further work on the Control of Dogs (Wales) Bill. Consequently, we are concerned by the subsequent laying of a Legislative Consent Memorandum (LCM) which paves the way for permission to be granted for the UK Government's Anti-social Behaviour, Crime & Policing Bill to make relevant provisions for Wales in this specific area.

Further to this, comments contained within this evidence paper are primarily concerned with the LCM laid by the Minister for Natural Resources and Food concerning provisions relating to the introduction of Community Protection Notices, Public Spaces Protection Orders, Closure Notices and Amendments to the Dangerous Dogs Act 1991. It is our understanding that the provisions contained within this LCM are most closely linked with the policy proposals originally put forward by the Welsh Government through the Control of Dogs (Wales) Bill and, therefore, are most relevant to the deliberations of the Environment & Sustainability Committee.

In relation to this LCM, the Minister for Natural Resources and Food has stated the Welsh Government's view that Part 4; Chapters 1, 2 and 3 and Part 7 of the UK Government's Bill fall within the competence of the National Assembly for Wales¹. Contained within these Parts are areas which are hugely relevant in relation to animal welfare in Wales, particularly the implementation of Community Protection Notices and Public Spaces Protection Orders and amendments to the Dangerous Dogs Act.

However, it should also be noted that aspects of the Anti-social Behaviour, Crime & Policing Bill beyond the extent of this LCM will have an impact on the issue of dog control and welfare in Wales, for example the proposed introduction of Criminal Behaviour Orders and injunctions – covered by another LCM brought forward by the Minister for Local Government.

Legislation in this field is hugely important to Wales, underlined by the fact that one in four households in Wales has at least one dog². RSPCA Cymru has continually highlighted a belief that existing legislation with regards to dog control is inadequate and the necessity of a comprehensive review.

¹Legislative Consent Memorandum, Anti-social Behaviour, Crime and Policing Bill, Provisions Relating to the Introduction of Community Protection Notices, Public Spaces Protection Orders, Closure Notices and Amendments to the Dangerous Dogs Act 1991

² <http://wales.gov.uk/topics/statistics/headlines/compendia2009/110224/?lang=en>

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www.rspca.org.uk/wales

Noddwr Ei Mawrhydi Y Frenhines
Patron HM The Queen

Is-noddwr Ei Ras Archesgob Caergaint
Vice Patron His Grace
The Archbishop of Canterbury

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As highlighted in this evidence paper, RSPCA Cymru has significant concerns about the principles and approach of the Anti-social Behaviour, Crime & Policing Bill with regards to the way it proposes to deal with tackling dog control and, broadly, its potential impact on dog welfare and ownership. The RSPCA has highlighted these concerns with the UK Government, and has given written and oral evidence to the Environment, Food and Rural Affairs Committee. Given these concerns, we are deeply concerned that the Welsh Government is opting to abandon its own legislative approach in favour of an ineffectual alternative and, in doing that, risks failing to achieve many of its previously stated policy commitments.

Essentially, it is our belief that the UK Government's Bill will not yield the results or objectives which the Welsh Government was seeking to achieve when it first introduced its own draft legislative proposals in this field. Therefore, the decision to contain these provisions within an LCM is, in the RSPCA's opinion, an unsatisfactory move for tackling dog control in Wales and marks a missed opportunity by the Welsh Government.

Furthermore, the suspension of the Control of Dogs (Wales) Bill potentially damages the work undertaken in recent years with regards to furthering the animal welfare agenda in Wales; particularly given the recent emphasis on delivering a Welsh-specific approach to issues such as the compulsory microchipping of dogs, the landmark banning of electric shock collars and the introduction of a Code of Practice for the welfare of dogs.

RSPCA Cymru has been at the forefront of calls for the introduction of a consolidation of legislation, which we feel could play a key role in simplifying dog issues for enforcement agencies. Given this, we welcome the assertion of the Environment, Food and Rural Affairs Committee in Parliament, which found that a "single, unified Act would provide a clear and holistic set of measures for those tasked with enforcing dog legislation"³ - and regret that the UK Government is not minded to heed this advice.

By failing to promote a consolidation of legislation, we are concerned that enforcers in Wales may be subject to greater levels of confusion and uncertainty as a consequence of the legislative field surrounding dog control being further populated. Such concerns are heightened by the levels of administration presently required in the application of many dog-related powers at their disposal. We work closely with a range of law enforcement agencies and see on a regular basis the confusion which exists concerning when and where practitioners may use certain powers for dealing with dog-related issues. It is our concern that adding additional powers - such as CPNs, PSPOs and CBOs - to an enforcer's toolkit will heighten this confusion.

Broadly, we are concerned that the process involved in the use and application of some of the dog-related powers contained within the Bill will prove overly bureaucratic, hinder efficiencies and place unnecessary strain on the agencies involved. Furthermore, there is a danger that powers will be utilised without sufficient up-to-date and scientifically sound knowledge or expertise of dog behaviour, welfare and law which, ultimately, could greatly impinge upon animal welfare standards. Should this legislation be implemented in its current guise, RSPCA Cymru would welcome assurances from the Welsh Government clearly outlining the role it intends to play in monitoring this potential problem.

Community Protection Notices

The Bill proposes the introduction of Community Protection Notices (CPNs), which can be issued by an authorised person should an individual be deemed to be behaving in a way which is having a

³ Environment, Food and Rural Affairs Committee, Draft Dangerous Dogs (Amendment) Bill, First Report of Session 2013-14, p13

continuing, detrimental impact on a community's quality of life and that the behaviour is deemed unreasonable. Reasons for which a CPN could be served include dog fouling and excessive barking, highlighting the impact their introduction will have regarding issues of dog control and welfare.

RSPCA Cymru regards CPNs as an inappropriate mechanism for individuals to address concerns they may have about the behaviour of individual dogs and their owners. It is our belief that bespoke Dog Control Notices (DCNs) would prove far more effective in tackling these cases. DCNs allow people to refer concerns about the behaviour of an individual dog and its owner, to which a practitioner can then provide advice and guidance specific to a situation's particular circumstances. This would allow for early intervention, protect public safety and provide for the animal's long term welfare by ensuring action is taken before a serious incident has taken place.

Rather than taking punitive measures against a dog owner after an incident has occurred, DCNs provide the opportunity for problematic dog behaviours to be addressed at an early stage. Penalties would be faced if the owner fails to comply with measures contained within a DCN but, in the first instance, this system would allow a focus on education and prevention rather than punishment. By contrast, CPNs appear less well suited to individual issues which may not always have a wider impact on the community but, rather, are causing considerable concern to a particular individual – and place emphasis on a reactive, rather than preventative, approach.

The Welsh Government supported the implementation of DCNs through its draft Control of Dogs (Wales) Bill. It should also be noted that the Association of Chief Police Officers (ACPO) have shown support for DCNs in their work with the RSPCA in recent years. Furthermore, the EFRA Select Committee highlighted its view that the implementation of DCNs should be considered, yet worryingly these remain absent from the UK Government's Bill⁴.

Presently, it is unclear what competencies or qualifications enforcers will be expected to have in dog behaviour, handling or welfare; which raises question marks over their aptitude and ability to deliver adequate solutions. We fear, consequently, due to a lack of knowledge and expertise, practitioners may unintentionally and unwittingly compromise dog welfare or place public safety at risk when attempting to tackle behavioural problems. We are supportive of findings from the EFRA Select Committee, which observed "those advising the Courts must be required to have appropriate training in dog behaviour"⁵.

Should CPNs remain, RSPCA Cymru believes they require considerable reform from the system proposed by the legislation as currently drafted. They must place focus on educating and supporting the individual rather than merely being punitive towards the owner or dog; and they should primarily act as an informal tool for suitably-trained enforcers to give clear instructions as to what is required of a dog owner.

Crucially, the Welsh Government's draft Control of Dogs (Wales) Bill made provisions for the serving of Dog Control Notices. This, we feel, provided a more preventative, education-focussed approach to tackling dog control issues in Wales than the measures proposed by the UK Government's Bill. Clearly, therefore, by instead opting to adopt the UK Government's Bill, the Welsh Government is failing to deliver on the policy commitments which its own draft Bill would have delivered.

Though not a perfect system, the Environment & Sustainability Committee may wish to consider the impact which the Scottish DCN system has had on dog control and welfare. From the period 26 February 2011 to 5 March 2012, 92 Dog Control Notices were issued in Scotland⁶. In a very similar

⁴ Environment, Food and Rural Affairs Committee, Dog Control and Welfare, Seventh Report of Session 2012–13

⁵ Environment, Food and Rural Affairs Committee, Draft Dangerous Dogs (Amendment) Bill, First Report of Session 2013–14, p11

⁶ Scottish Parliamentary Questions, Learning & Justice, S4W-11478, 10 December 2012

system under the Animal Welfare Act (2006) RSPCA Cymru's Inspectors issue non-statutory animal welfare advice notices and consistently find high levels of compliance, which is a cornerstone of preventing both suffering and prosecutions.

Public Spaces Protection Orders

The legislation allows for a local authority to introduce a Public Spaces Protection Order should the authority deem that activities carried out in a public place have, or could have, a detrimental effect on the quality of life of those within the locality.

RSPCA Cymru is concerned about the potential impact which the making of PSPOs could have with regards to animal welfare. For example, a local authority in Wales could inhibit the access of dogs to public spaces which could, by limiting the ability of owners to look after the needs of their dogs, have a negative impact on the welfare of those animals. RSPCA Cymru would strongly recommend, therefore, that when a local authority seeks to issue a PSPO in relation to dogs, that due consideration is given to dog welfare. In turn, failure to do so could actually damage public safety by leading to behavioural issues for those dogs who have consequently had their welfare compromised, potentially penalising those owners attempting to act responsibly.

We would also welcome clarification from the Welsh Government, should PSPOs be implemented, concerning how they intend to work with local authorities in Wales to publicise to members of the public the impact this legislation could have - for example, with regards to dog ownership.

Given the vast nature of issues which a Public Spaces Protection Order could be in relation to, we are also concerned that appropriate dog control will not be considered a priority. Again, this is in regard to the problem of what expertise those issuing a dog-related PSPO will be required to have.

Dangerous Dogs & DDA Amendments

The UK Government's Bill proposes to make amendments to the Dangerous Dogs Act (1991). However, the nature of many of these amendments is inconsistent with the proposals made by the draft Control of Dogs (Wales) Bill; again highlighting how the Welsh Government's previously-stated objectives will not be met as a consequence of its decision not to progress its original proposals and to implement this LCM.

Concerning the proposed amendments, RSPCA Cymru believes that an owner has a responsibility to ensure their dog is not dangerously out of control on private property. Therefore, in principle we welcome the approach to extend the law to cover all places - but we would also highlight that extending the law on its own is unlikely to protect the public much further or achieve a reduction in dog bites.

We also feel that, in relation to dog related injuries, if a dog owner has made some effort to ensure their dog is under control then that should be recognised as a defence, particularly as the penalties for an offence being committed are severe. Furthermore, as it stands, a person visiting a house only has to believe that a dog is acting aggressively and a court action could ensue. Therefore, whilst we are supportive of the principle of extending legislation in this way, we believe there should be a more proportionate approach where the Courts have to consider the factors surrounding the incident and whether the owner took reasonable steps to keep their dog under proper control. This would provide balance between potential victims with dogs and their owners. Without this defence, and with the penalties severe, we are concerned about the impact this might have on dog welfare and we are extremely concerned that some owners might unwittingly compromise dog welfare in an attempt to avoid situations where incidents could inadvertently arise. Whilst we feel this amendment will provide

a necessary mechanism for prosecuting dog owners whose behaviour poses a risk to human safety and who have failed to address this, a strengthened defence is also required to protect responsible owners who take actions to control their dogs.

In a similar vein, RSPCA Cymru has concerns in relation to the householder case and specifying a defence in relation to trespassers. We would advise reforming this provision to demonstrate a better understanding of dog behaviour. We would support a more proportionate approach, where consideration is given by the Courts not only to whether the victim was a trespasser or not, but where a number of factors surrounding an incident are considered, for example, when the person responsible took reasonable steps, in all circumstances, to keep their dog under sufficient control.

We also welcome the Bill's intention to make it explicit that an attack by a dog on an assistance dog is to be considered an aggravated attack. Undoubtedly, such an attack has a detrimental impact on the owner as well as the animal, and it is right that an offence be deemed to have been committed.

However, we would support further amendment of Section 3 of the Dangerous Dogs Act 1991 to ensure attacks on all 'protected animals', as defined by section 2 of the Animal Welfare Act 2006, is deemed an offence. This, we feel, would address, and potentially provide justice for, the emotional trauma suffered by, for example, farmers, horse and pet owners when their animals are attacked or injured.

Indeed the Welsh Government's draft Control of Dogs (Wales) Bill had proposed this measure to extend the scope of the Dangerous Dogs Act in relation to attacks on all protected animals, however all such incidents were to be an aggravated offence. RSPCA Cymru believes this goes too far – and we highlighted the unusual nature of legislation demonstrating parity between the offences of attacking a protected animal and attacking a human in our consultation response.

The Welsh Government's legislative proposals certainly provided greater protection and legal clarity for pet owners, horse owners, farmers and their animals.

Scrutiny by Assembly Members

The passing of LCM-LD9331 will largely end the ability of Assembly Members to fully scrutinise and influence legislative solutions in relation to tackling dog control in Wales - despite the fact that this is a devolved issue to which their constituents attach huge importance. Following the March 2011 referendum, animal welfare – apart from some noted exceptions - was fully devolved to Wales. RSPCA Cymru would therefore argue that the people of Wales have approved a made-in-Wales legislative solution to tackling dog control.

84 per cent of people in Wales support legislation on dangerous dogs and irresponsible owners⁷, and, as a devolved issue, communities across Wales will expect their local AMs to be involved in the process of the Bill's implementation. By contrast, the Welsh Government is seeking to relinquish powers it acquired via the March 2011 referendum to an alternative which does not adequately match its policy objectives.

73 per cent of Assembly Members responding to an RSPCA survey confirmed that they, or a member of their team, had been bitten, chased or encountered an aggressive dog whilst delivering leaflets or canvassing in the last five years⁸.

⁷ All figures, unless otherwise stated, are from YouGov Plc Poll. Total sample size was 1,015 Welsh adults. Fieldwork was undertaken between 19-21 September 2012. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+)

⁸ Survey for Assembly Members conducted for RSPCA Cymru by Positif Politics found 22 out of the 30 that responded answered in this way.

Furthermore, a petition to not drop the Control of Dogs (Wales) Bill, raised by Councillor Dilwar Ali (of Cardiff Council), received the backing of 1,119 signatories⁹. Cllr Ali has campaigned for the introduction of dangerous dogs legislation in Wales since suffering personal experiences of the inadequacies of the existing framework after his son Erfan suffered horrific injuries as a consequence of a dog attack in 2011¹⁰.

The Minister for Natural Resources and Food has stated his decision to “retain the option” for the implementation of a Welsh Bill should the Welsh Government be “unable to reach agreement”¹¹ with the UK Government concerning relevant legislative options. Further to this, RSPCA Cymru would welcome clarification concerning discussions the Minister has had to date with the Home Office and Defra, the role which the Welsh Government is likely to play as this Bill is progressed and the options being retained should any future UK Government legislation prove insufficient in adequately tackling the issue of dog control in Wales within areas under the legislative competence of the National Assembly for Wales.

RSPCA Cymru believes there are a number of pertinent issues missing from the Anti-social Behaviour, Policing and Crime Bill, which limits the potential for dog control to be adequately tackled. The legislation, for example, fails to emphasise opportunities which may exist for educating dog owners or those who interact with dogs concerning the relevant legislation. This absence is increasingly pertinent given the plethora of legislation which exists in relation to dogs, and the decision of the UK Government not to seek the implementation of a Bill of consolidated legislation.

It is not our belief that a desire to see a cross-border single, coherent Act should be at the expense of implementing measures within the Assembly’s competence which could make a real difference to issues of responsible dog ownership and better protecting the welfare of dogs in Wales.

RSPCA Cymru believes whilst there was room to improve the education and prevention elements of the Welsh Government’s Bill, this was considerably stronger in their proposals than the Bill before Parliament. The UK Government’s Bill contains no reference and little opportunity to educate dog owners or those who interact with dogs about safety. Targeted awareness-raising is key to reducing the number of dog bites and incidences. Furthermore, it is crucial that steps are taken to ensure the public are informed about the impact of relevant legislation.

Conclusion

RSPCA Cymru warmly welcomed the Welsh Government’s initial resolve to bring forward a Control of Dogs (Wales) Bill which, it was felt, had the potential to make a real difference in tackling dog control with the aforementioned emphasis on prevention, education and awareness-raising. In choosing to suspend work on that Bill and in utilising the UK Government’s legislation instead, RSPCA Cymru believes the Welsh Government’s policy objectives risk not being met.

Broadly, we are deeply concerned at the potential impact that the Anti-social Behaviour, Crime and Policing Bill will have on dog welfare, ownership and associated public safety in communities across Wales. Furthermore, RSPCA Cymru is concerned that provisions contained within this Bill could polarise public attitudes towards dogs and dog ownership.

Overall, we are concerned that the UK Government’s Bill, in its current form, will mean that in Wales

⁹ P-04-477 Support for the Control of Dogs (Wales) Bill

¹⁰ Wales Online - UK Government could scupper Welsh dangerous dogs crackdown, campaigners warn, 25 April 2013 Found at: <http://www.walesonline.co.uk/news/wales-news/dangerous-dogs-crackdown-wales-could-3002606>

¹¹ Welsh Government Written Statement - The Draft Control of Dogs (Wales) Bill, 2 May 2013

the focus on tackling irresponsible dog ownership will be piecemeal and reactive, and still based on damaging breed-specific legislation (BSL). Sadly, there was no move within the now-suspended Control of Dogs (Wales) Bill to shift the focus away from BSL. RSPCA Cymru believes reviewing legislative arrangements concerning dog control offered the opportunity to ensure a move away from a breed-specific approach. We feel the current system contributes to the problem of 'status dogs' in our society. Further to this, it should be noted that the EFRA Select Committee concluded that "it is not helpful for policy to focus on the breed type since any dog may become aggressive in the hands of an irresponsible owner"¹².

The decision to suspend the Control of Dogs (Wales) Bill is at odds with much of the positive work undertaken in Wales in recent years to deliver Wales-specific solutions to issues related to dogs. For example, RSPCA Cymru was very pleased that Wales became the first UK nation to outlaw the use of shock collars. It is also welcome news that compulsory microchipping for all dogs will be introduced in Wales in March 2015 (one year earlier than in England), whilst a comprehensive Code of practice for the welfare of dogs has been in place since 2008.

Clearly, the Anti-social Behaviour, Crime & Policing Bill is exceptionally wide in scope; covering a plethora of deeply important and diverse issues. Given this, RSPCA Cymru is concerned that dog control issues will not receive the in-depth scrutiny they require during the Bill's progression through the Parliamentary process. Comparatively, the Welsh Government was proposing legislation which dealt specifically with the issue of dog control - thus ensuring this issue would have had the dedicated scrutiny it deserves.

In summary, RSPCA Cymru disputes the assertion of the Welsh Government that the Anti-social Behaviour, Crime and Policing Bill is the "best vehicle"¹³ for their proposals to be taken forward. The UK Government's Bill promotes a very different approach for Wales to the proposals which were previously forthcoming from the Welsh Government and this decision, RSPCA Cymru fears, will have negative consequences for animal welfare and tackling dog control in Welsh communities.

¹² Environment, Food and Rural Affairs Committee, Draft Dangerous Dogs (Amendment) Bill, First Report of Session 2013–14, p16

¹³ Welsh Government Written Statement - The Draft Control of Dogs (Wales) Bill, 2 May 2013

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“The Professional Voice of Police Leadership in Wales”

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26 Chwefror/ February 2013

Animal Welfare Team
Environment and Sustainable Development Department
Welsh Government
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Dear Animal Welfare Team,

Consultation on Proposals for a draft Control of Dogs (Wales) Bill

Thank you for giving us the opportunity to comment on the above named consultation. As ACPO Cymru lead in this area of work, I hope these comments will assist you.

Please find attached the response on behalf of the four Welsh Chief Constables.

Yours Sincerely

A handwritten signature in blue ink that reads 'H. G. Pritchard'.

Gareth Pritchard
Assistant Chief Constable, North Wales Police

If you wish to respond to this letter please respond to:
Superintendent Jon Burley: Police Liaison Office, Room 3080, 3rd Floor CP2, Welsh Government, Cardiff, CF10 3NQ Jonathan.Burley@Wales.GSI.Gov.UK

Mae Cymdeithas Prif Swyddogion Heddlu Cymru (ACPO) yn gorff strategol annibynnol sy'n darparu'r llais proffesiynol ar gyfer arweinyddiaeth yr heddlu yng Nghymru. Er budd y cyhoedd ac mewn partneriaeth â'r Llywodraeth a Chymdeithas Awdurdodau'r Heddlu, mae ACPO Cymru yn arwain ac yn cydgyssylltu'r broses o gyfeirio a datblygu gwasanaeth yr heddlu yng Nghymru. Pan fo'r wlad mewn angen, ar ran pob un o'r Prif Gwnstablaid yng Nghymru, bydd ACPO Cymru yn cydgyssylltu'r ymateb plismona strategol.

The Association of Chief Police Officers (ACPO) Cymru is an independent, strategic body which provides the professional voice of police leadership in Wales. In the public interest and, in partnership with Government and the Association of Police Authorities, ACPO Cymru leads and co-ordinates the direction and development of the police service in Wales. In times of national need, on behalf of all the Chief Constables in Wales, ACPO Cymru, coordinates the strategic policing response.

ACPO Cymru Response to Proposals for a draft Control of Dogs (Wales) Bill

Background

The Control of Dogs (Wales) Bill has been introduced following a steady increase in the number of people being hospitalised after being bitten or struck by a dog over the past 10 years. The evidential base suggests at least 360 hospital admissions (per year) in Wales are dog related. Further evidence from the commercial workers union suggests there are 250,000 attacks each year across the United Kingdom.

During the compilation of this summary I have considered three documents as follows:-

- Consultation document-proposals for a draft Control of Dogs (Wales) Bill
- Draft Control of Dogs (Wales) Bill
- Welsh Government Regulatory Impact Assessment

The Welsh Dog Legislation Officers from each of the Forces have considered this document and have put their observations forward. Furthermore an ACPO Cymru representative has attended a consultation meeting chaired by the RSPCA (Claire Lawson) to consider aspects of the Bill.

Key outcomes

- Responsible dog ownership - linked to animal welfare responsibility and enhancing the quality of an animals' life.
- Prevention of injury to persons and a reduction of incidents where dogs are out of control and potentially threatening the health and wellbeing of person and/ or animals.
- Flexibility of enforcement and tool-kit for local authorities investigating incidents, including the creation of "authorised persons" for the purpose of serving Dog Control Notices (DCNs).
- The reduction of the number of persons requiring treatment at hospital as a result of dog attacks.

Key Features

Whilst one of the primary objectives of the Bill is to encourage responsible ownership of dogs, the Bill also seeks to provide new enforcement opportunities and amends some provisions of the Dangerous Dog Act 1991 in so much as it brings private premises within the scope of enforcement in circumstances where it was previously excluded.

In addition to enforcement activity to protect the public and other animals the Bill seeks to enhance existing codes of practice in order to ensure the welfare of dogs. This is seen as a necessary and essential step in ensuring that dogs are well kept and cared for are less likely to demonstrate anti social behaviour and therefore less likely to be considered either dangerous or out of control.

Potential Impacts for Policing In Wales

Strategic

This will alter the legal framework for out of control dogs in Wales. DEFRA are reviewing dangerous dogs legislation and the Home Office have published proposals to deal with anti-social behaviour. As such, there is a divergence between English and Welsh legislation.

All control of dogs legislation presupposes that dogs that are looked after likely to be less dangerous. However, attacks generally have three elements to them. These are as follows:-

- The dog/owner - this could include breeding and care of control of the animal.
- The victim - evidence suggests that the majority of fatal attacks after children under four years of age
- The environment - points at which the dog/owner and victim come into contact. This could be a public place, garden or inside a private premises.

ACPO Cymru welcomes the efforts to reduce the risk to the Public through effective measures in Wales. However, the existing guidance focuses strongly on the conduct of the dog and the owner. The extension of the Dangerous Dogs Act and DCNs in Wales is helpful. However, in our view the obligations placed on the owner do not necessarily introduce specific measures to protect the vulnerable.

The proposals crossover devolved and non-devolved functions. There is a suggestion that the Police (Community Support Officers and Constables) could issue DCNs if authorised by the Local Authority. This is subject to adequate training and experience. Generally, the Police are responsible for dangerous dogs and Local Authorities are responsible for “out of control dogs.”

Tactical

The application of existing legislation and guidance can be complex in that the Local Authorities and the Police have powers to deal with dogs in certain situations. Occasionally, subjective assessments by staff on the seriousness of the issue can interfere with the outcome. Clear guidance to Local Authorities in respect of the resources devoted to enforcing the legislation is essential. In England, Local Authorities were mandated to put effective provision in place. This could include a memorandum of understanding and information sharing protocols. Given the caveat in the draft legislation that only one DCN can be issued (even if this is been issued in another Local Authority) it is essential that the database covers all Local Authorities across Wales and that other enforcement agencies (including the Police) have access to up-to-the-minute and accurate data to exercise their functions under the Dangerous Dogs Act whether or not they are granted authority to issue DCNs.

ACPO Cymru Response to
Proposals for a draft Control of Dogs (Wales) Bill

Operational

In order to reduce an additional demand on to the police service ACPO Cymru would welcome consistency around the operational infrastructure linked to out of control dogs. In particular, we would welcome expert out of hours resources such as Dog Wardens and Veterinary Services if required (possibly shared on a cross Local Authority basis). Current inconsistencies include kennelling arrangements and collection.

The business processes underpinning the issue of DCNs is at a very early stage. Evidential standards, burden of proof and judicial processes (balance of probabilities or beyond reasonable doubt) and the application of notices need to be clearly defined. However, what happens if there are more than one dog on the premises or if ownership is passed between spouses or other family members. What happens if the dog is sold or moved to another household?

Key Questions and Responses

1. *Do you agree with the three stage test set out in paragraph 3 (extract below)
The authorised person must make an assessment as to whether:-*
 - 1) *There has been a failure to keep the dog under consistent and effective control.*
 - 2) *The dog's behaviour has on at least one occasion caused someone to feel apprehension about his or her own safety or about the safety of someone else or a "protected animal".*
 - 3) *It is reasonable for the person affected to feel apprehension.*

Yes, but the key questions are around the way in which the evidence is gathered, recorded and presented, for example, will the notices be supported by witness statements from the person affected? Can third-party evidence be introduced by for example the person appointed by the local authority? Will the identity of the person feeling apprehension be disclosed to the dog owner? How will the records be maintained in the event of an appeal? Does the evidence supporting a DCN have to be beyond all reasonable doubt or is it on the balance of probabilities?

ACPO Cymru's general view is that the DCNs should follow civil court rules of evidence (in a similar way to anti-social behaviour orders) that are easy to prove on the balance of probabilities and would allow information to be presented, sometimes anonymously, on behalf of the person who felt apprehension.

The wording of these three stages is similar to that of Section 3 Dangerous Dogs Act 1991 – "Dangerously out of control".

If the issuing of DCN's is to be the responsibility of the Local Authority, I anticipate that this similarity in wording could result in a lack of clarity with some Local Authority staff reporting the matter under the Dangerous Dogs Act. This needs to be clarified in the supplementary guidance. Clarity as what falls under DCN rather than Dangerous Dogs Act would simplify enforcement for all parties.

ACPO Cymru Response to
Proposals for a draft Control of Dogs (Wales) Bill

The authorised person making the assessment should be suitably qualified to make a judgment in relation to the dog's behaviour in given circumstances, taking into account a dog's natural behaviour. There may be circumstances on appeal where the expertise of the authorised person may be challenged in court. Anecdotal evidence from Scotland suggests that in some Local Authorities, the nominated 'authorised officers' were from the Environmental Protection Department and had no previous knowledge of dogs.

In relation to a person's apprehension about his or her safety we feel that the apprehension of danger could vary greatly from person to person, and is difficult to prove. It could also mean that one dog owner is required to take action but another is not in an identical circumstance, making it difficult to advise dog owners on how their dogs should be controlled, and for dog owners to understand what is expected of them.

The wording of this section must make clear that it refers to unreasonable and out of control dogs and evidence will be required that an attack has or was considered likely to occur before a DCN can be considered. Evidence around the apprehension of an individual can be used as part of that assessment but how will this evidence be gathered, recorded and presented?

Using evidence based assessment of dog behaviour, rather than the apprehension of individuals, will help to ensure that:-

- Dangerous and out of control dogs are assessed and dealt with, rather than generic concerns about dogs in a particular area or the needs of a particular individual (although the need to offer protection to assistance dogs and young children is recognised).
- Resources are focussed on serious DCNs, rather than those individuals who are frightened of or antagonistic towards dogs.
- Appropriate evidence is available to support any action taken, based on an assessment of the dogs behaviour that can be properly considered by a civil court.
- The legislation can be enforced consistently across Wales, based on measures of dog behaviour rather than varying attitudes and individual perceptions.
- Dog owners and the public are reassured that this legislation will not be used maliciously or inappropriately.

2. *Do you agree with the categories of individuals on whom a Dog Control Notice (DCN) may be served. If not, why not?*

We agree that where a dog is micro-chipped, the DCN must be served on the registered owner unless the name and address of an alternate owner or the person in charge of the dog is known.

ACPO Cymru Response to
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Serving the Notice on the registered owner, and making them responsible until and unless they provide information on any new owner, is the only way in which these Notices can be effectively served and enforced.

However, there are a number of scenarios where the dog could be passed between spouses, to family, friends or sold on. Can the DCN be separated between the owner and the dog? If the dog is passed on then can the owner then claim that the dog is effectively no longer his/her responsibility and asked for the Notice to be revoked? (Then purchase another dog.) If the dog is sold on or transferred who is then responsible for training? What happens if the new owner was unaware of the existence of the notice or conditions?

The current draft Bill does not include any exemptions. We would ask the following exemption to be included:-

“For the purposes of this Act, a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so, but references to a dog injuring a person or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown or a person licensed by a body established by the Private Security Industry Act 2001 or a person who complies with BS8517-1.”

3. *Should compulsory training be a requirement in a DCN? If so, what types of training should be available to ensure dogs welfare needs are met? If not, why not?*

We would agree that appropriate training is necessary to reduce the risk of attacks on people. However, our observation is that any training should also include the enhancement of awareness in terms of the profile of victims of attack and an input on how the risk of attack could be reduced. Similar inputs have been given in respect of speed awareness and drink-driving. These have been shown to adjust the behaviour of offenders. Training that focuses exclusively on welfare would not, in our view, address the issues around the risk of the victim and/or environmental factors. Simple measures, such as preventing a dog from being in the same room as a child under four years unattended could reduce fatal attacks.

Accreditation, common minimum standards and a demonstration of improved awareness would be key outcomes from any training programme. Existing providers are unlikely to cover the full range of inputs that we would consider necessary.

In order to ensure the success of utilising training to improve dog control it is very important that there is sufficient training availability across Wales. In order to improve dog control and keep unnecessary cases out of the Courts the use of training aligned to a DCN could be a very useful tactical approach. It is vital however,

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that such training provision is accessible across Wales. Appropriate training is necessary to reduce the risks of attacks on people.

ACPO Cymru do not agree that training should be a compulsory requirement, although it may form an important part of any enforcement action taken and is certainly one of the options that should be available.

Key considerations affecting a decision to make training compulsory are:-

- Many dog owners are aware of the law and what is required but are unwilling to comply, and training may have a limited impact in these cases.
- Training the dog and its owner may only be beneficial when that dog is out with that person, and further steps may be needed if the dog is out with any other person.
- Breed and individual characteristics will mean that some dogs are more amenable to training than others, and this may make it difficult to specify the type and length of training needed. Any training requirement should therefore be outcome based.
- Training may be a greater burden for dog owners in rural areas, as there are likely to be fewer courses available in their immediate areas and public transport to any available training may also be limited. .
- Training and education will be more suited to areas where a DCN cannot directly specify the steps that are required –dog welfare is a key area where education rather than enforcement would be beneficial.
- There are cost implications, particularly for low income families, and there is therefore a risk of them wanting to give the dog up rather than go for training
- There may be issues around monitoring the quality and level of training provided.

ACPO Cymru believes that if the watching of a DVD forms part of any training, it should be in a controlled/supervised environment. Similarly internet based packages should have an element of monitoring as part of their design.

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4. *Do you agree that all the requirements in sections 5 to 8 should be mandatory? If not why not?*

Section 5 - Requirement to maintain consistent and effective control over the dog

Section 6 - Requirement to accompany the dog

Section 7 - Requirements relating to training

Section 8 - Requirement to provide information

Section 9 - Power to specify further mandate to requirements

We agree the requirements in sections 5, 6 and 8 should be mandatory in relation to the conduct of the dog and the owner, but not with the requirement to train for the reasons outlined above.

5. *We have set out examples of the options that a DCN can contain and this list is not exhaustive. Are you content with such an approach? Do you consider the other optional requirements could be included? If so provide details*

As part of the initial assessment the Local Authorities authorised officer could complete a risk assessment in relation to the premises and vulnerable people present (in particular children). If proportionate and necessary they could consider further optional requirements.

We agree that the DCN should be able to specify the steps to be taken by the dog owner, as this ensures that the steps taken are appropriate, and helps the dog owner clearly understand what is required of them.

We would wish to see detailed advice given in any guidance supporting these regulations, as this will help to clarify the law and give important guidance for dog owners and enforcement officers. Any guidance should make clear that it is not exhaustive, however, as there may be differing situations that require more bespoke solutions, or changes in the understanding of dog behaviour, equipment available etc. that needs to be taken into account before the guidance can be updated.

One vital step is to prevent dogs from straying, as straying dogs are a regular cause for concern in terms of dog behaviour, control and fouling as well as the welfare and safety of the dogs. The steps needed to prevent straying will differ from simply requiring that a dog is under control when away from the home, and may include a welfare requirement for the dog to be given a proper chance to exercise in a safe environment rather than just being let out the door to roam.

6. *Do you agree that the appropriate mechanism for appeal against a DCN is to Magistrates Court? If not why not?*

Yes, subject to the need to clarify standard of proof and the record of evidence supporting the DCN.

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Care is needed to ensure that the criteria where appeals can be taken are clear, to help avoid malicious and litigious attempts to avoid complying with the provisions of a DCN.

In drafting these provisions it is important that close liaison exists between the Welsh Government and the Ministry of Justice to ensure that statutory provisions enacted by the Welsh Government can be appropriately enforced in the Criminal Courts. In addition the training of Magistrates will be required to ensure that the statutory provisions in the Control of Dogs (Wales) Bill are understood and utilised in the Courts to support the vision set out by the Welsh Government.

7. *Do you agree that the provision for a Local Authority discharge a DCN is appropriate? If not why not?*

Yes, we believe that the Local Authority are the primary agency for the discharge of the DCN. However there does need to be consistency in terms of the resources, business processes and support frameworks in place for the issue of notices and the processes following non-compliance.

8. *Do you agree that failure to comply with a DCN should constitute an offence and liable to prosecution? If not, why not? Do you agree with the level of fine?*

We agree that failure to comply with a DCN should be an offence, as it is vital that there is a legislative framework within which DCN's can be enforced. The breach of a DCN may not occur in the Local Authority area where the DCN was issued. As with other legislation, such as traffic offences, the prosecuting authority should be the one in whose area the offence was committed.

In the event of non-payment what sanctions would apply? The (lack of) ability to pay could render this sanction ineffective. We would suggest that failure to comply should also be a potential breach of tenancy in relation to publicly owned or social property.

Fixed Penalty Notices have been introduced under other legislation as an interim step prior to prosecution, and this would offer a fast and low cost enforcement alternative for both local authorities and dog owners. We would therefore welcome this as an option.

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9. *Do you agree with the proposed court orders? If not why not?*

These are destruction of the dog (where the dog is a danger to the public safety or to protected animals) and/or (two) the disqualification of the owner for a specified period. The disqualification can relate to owning, keeping and participating in the keeping of the dog.

We believe that the destruction of the dog may be necessary in other circumstances and that the destruction should include a caveat where it is proportionate and necessary to do so.

In terms of disqualification, how would this be enforced? So, how could disqualified owners be prevented from purchasing or keeping animals? Should the disqualification also include the household (in the event of the animal being passed between partners or children?) Could there be a positive obligation on the owner to complete the training course before the disqualification is lifted in the same way as a driving ban?

Section 34 of the Animal Welfare Act provides guidance on the disqualification of persons convicted under that act;

- i. Owning animals.
- ii. Keeping animals.
- iii. Participating in the keeping of animals.
- iv. From being a party to an arrangement under which the person is entitled to control or influence the way in which animals are kept.

Point's iii. and iv. are far reaching and powerful enforcement tools and may be worth considering for inclusion in this Bill.

We broadly agree with these provisions, but would suggest a third option that requires a dog to be re-homed to a specified and appropriate re-homing organisation.

This would allow dogs that can be re-trained with care, or where a different home environment would be more suitable, to be given another chance – and addresses the issue that poor dog behaviour is often the result of poor dog ownership and training rather than the fault of the dog. However, the dog owner would need to relinquish any claim on the dog.

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10. *Do you agree that a period of at least one year should pass before any further application can be made to discharge the disqualification order or where any further application to be made, to discharge all the following an earlier and successful appeal? If not why not?*

We agree that the initial period should be a minimum of one year, but the Courts should be given the option to specify any further appeal periods where they feel this is appropriate.

11. *A level 3 fine is one where a court may impose a fine up to £1000 are you content with this approach? If not, why not?*

A level 3 fine is sufficient for non-compliance with the original DCO, but must then be higher for any subsequent non-compliance with a court order.

12. *To enable effective sharing of DCN is between enforcement authorities, is it right that some form of database be set up?*

We agree that a database should be set up, and view this as essential to ensuring that information on DCN's can be readily accessed across Wales.

The serving and enforcement of DCN's will require Local Authorities and Police to be aware of action that may have been taken by other Authorities or Police areas in Wales, and a centralised database is the only sensible way to ensure that this can be done effectively.

This must be implemented on an all Wales basis so that duplicate DCN's will not be issued in different Local Authorities. It may also be necessary to track dogs (who are potentially more transient than the owners).

The existing proposals around the use of commercial databases must consider owner information and the history of the dog (previous owners and DCNs etc) in much the same way as licensing arrangements for vehicles.

The Welsh Government will also need to consider requirements for the storage and weeding of personalised data and the obligations under the Data Protection Act. One must question who would be responsible for such a database and would any additional funding be available to cover the costs of such a database?

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13. *Do you agree with this approach about who will serve DCN's? If not why not?*

This section makes provision about the individuals who may be authorised to serve DCN's. An Authority may itself authorise individuals to serve DCN is on its behalf. Or it may enter into arrangements with another person for that person to authorise individuals to serve DCN is on the Authority's behalf. In practice, for instance, an Authority may enter into arrangements with the local Police Force under which PCSOs might be authorised to serve DCN is on the Authority's behalf.

The Welsh Ministers may make regulations to prescribe conditions that are to be satisfied by a person before being authorised to serve DCN's. These conditions can relate to the experience, qualifications or training of the person.

We agree with this approach, and particularly with the fact that it allows for partnership working with other enforcement bodies. However, this should not override the obligations of Local Authorities to implement effective governance and the infrastructures to issue DCN's and handle out-of-control dogs during and outside office hours.

Clear memoranda of understanding, information sharing protocols supporting the enforcement of the issue of or breach of DCNs by the Local Authority or Police, should be developed as part of comprehensive supplementary guidance. This would reduce potential tensions between agencies in some circumstances where parties disagree on whether the dog is "dangerous" or "out-of-control".

Effective provision of kennelling and out of hour's procedures for vets and Local Authority staff is necessary to make the legislation workable.

ACPO Cymru believes that Dog Legislation Officers should also be authorised to issue DCN's. This would be useful in cases where a dog under investigation for an alleged offence under s.3 of the Dangerous Dogs Act 1991 but is not seized, can have conditions imposed to ensure public safety and reducing kennel costs.

It is important to stress that the four Welsh Forces generally have an establishment strength of less than ten Dog Legislation Officers across Wales. They are focussed on dangerous dogs work as well as other general police duties. Due to the current cut backs in policing with the budgets being reduced by 20% there is no likelihood of a growth in Dog Legislation Officer numbers in the foreseeable future. The role that Dog Legislation Officers will be able to perform will therefore be restricted due to their limited numbers.

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14. *Do you agree with this approach? We would be grateful for your views of extending the 1991 Act to include private places and making it aggravated offence (with higher penalties) to attack another animal.*

We are strongly in favour of extending the provisions of the 1991 Act. Our reasons for this are as follows:-

- The failure to protect people from dangerous dogs on private land is clearly a loophole, and means that many people going about their lawful business are not being afforded adequate protection.
- The failure to protect other animals is a clear welfare issue, with cats, rabbits and other dogs etc. being injured or killed on a regular basis.
- The current failure to protect other animals also places humans at risk where they try to protect their animals from attack, or where dogs are unable to differentiate between attacking animals and attacking humans.

There does not however, appear to be a defence for the dog owner in relation to persons unlawfully on their property, i.e. trespassing or indeed those committing a criminal act.

From a police dog handler's perspective, would they be liable should a visitor be bitten, as the dog would not necessarily be in the service of the crown whilst at the handler's home?

Normal domestic pets will not fall within the remit of the guard dog's act and can be territorial and protective of their owner.

Whilst providing protection for other animals that are physically attacked is welcomed, the mere apprehension of a 'protected animal' being injured would be unmanageable and an unrealistic approach to the realities of dog ownership, no matter how well trained and behaved they are. Dogs can be territorial and in particular when being walked along a regular route.

With the proposed wording it is plausible that a prosecution could be considered when dogs bark and lunge at each other when being walked or chasing a cat up a tree. Any action in those circumstances is likely to be disproportionate and counterproductive.

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15. *The Welsh Government takes the view that these proposals will lead to greater responsible dog ownership, enhanced animal welfare and provide better prevention of injury to adults and children. Do you agree? If not, why not?*

We strongly agree that these proposals will help to improve dog ownership and animal welfare, as well as helping to prevent injury to adults and children. Our reasons for this are that:

- These regulations and the publicity they create will remind dog owners of the need to ensure that their dogs are kept under proper control at all times and help create an environment where out of control dogs are seen as unacceptable by society.
- The protection afforded to other animals clearly improves their welfare, as it will help to reduce dog attacks that can injure or even kill other animals.
- Dog welfare will be enhanced, as it will help reduce circumstances where they are attacked, or that out of control dogs are themselves injured by an animal or person defending themselves.
- The proposed legislation will allow Local Authority Dog Wardens to access and give advice to the owners of out of control dogs, in situations where other issues such as dog welfare may also be a problem.
- The proposed changes to the 1991 Act will significantly enhance the protection of adults and children by extending the protection given to them on private land.
- The introduction of DCNs will further enhance the protection of adults and children by allowing proactive steps to be taken to control dogs before an attack actually happens.
- It is important to ensure that the extension of S.3 of the Dangerous Dogs Act 1991 on to private land is to protect persons who are lawfully on premises. It would be unreasonable to issue a DCN on a dog's owner because their dog attacked a burglar in their premises.

The proposals focus strongly on responsible dog ownership and enhanced animal welfare. However, the proposals are less robust or comprehensive in terms of the protection of vulnerable people, such as children and visitors (such as utility workers and postal staff). It is the ACPO Cymru view that the proposals would be more effective if the initial response by the Local Authority includes a risk assessment. This should include an assessment of the risk to vulnerable people (in particular children and visitors) combined with a physical assessment of the environment. This could include the security of the garden area and letterboxes that would prevent dog bites etc.

We recognise the importance of welfare, but do not believe that on its own will resolve the issue of fatal dog attacks and other injuries caused by dog attacks.

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16. *The draft Regulatory Impact Assessment (RIA) provides an estimate of the costs and benefits associated with the proposed legislation. Do you agree with the assessment? If not, why not?*

There will be various costs involved in the implementation of this proposed legislation, but the most important aspect to consider is whether Police and Local Authorities will have suitably trained and authorised staff in place to carry out this function. It must be considered that the 'authorised person' must be suitably trained to gather evidence and if necessary present the evidence in court. Evidence from the Scottish Association of Dog Wardens suggests that there has been an inconsistent application of The Control of Dogs (Scotland) Act 2010 across the 32 unitary authorities in Scotland. The reasons given for this approach has been due to the lack of financial assistance from the Scottish Government.

Unless there is a statutory duty to provide this function, with appropriate funding support, it is clear that some Local Authorities will not be able to resource this work.

It is also vital that other Criminal Justice Partners are aware of the legislation and powers. There will inevitable be training costs for Judiciary, Magistracy and Prosecutors. There will be added enforcement costs for the Police and Crown Prosecution Service together with the Courts due to extending the legislation to cover private premises. ACPO Cymru supports extending powers to cover private premises as it very clearly can enhance public safety.

17. *Do you have any alternative information that would help to inform the final RIA?*

- The DCN register - The costs of a national data-base must be taken into account, as both Police and local authorities in Wales will need to readily access it.
- Dealing with breaches of a DCN - Complex investigations and prosecutions are time consuming, both for the investigating officers and for their legal departments. Some Police/Local Authorities may be less likely to prosecute as a result, and this problem is increasing as legal departments face increasing budgetary constraints.

It is rare for Courts to award full costs, particularly in prosecutions against individuals, and any costs awarded may be minimal where that individual is in receipt of benefits. The costs of addressing breaches of DCN's through the Courts could therefore place a considerable burden on Police and Local Authority budgets, and the timescale for such action is likely to fall beyond the initial implementation period.

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18. *We have asked a number of specific questions in relation to the Bill and the RIA. If you have any related issues which we have not specifically addressed, report them or provide comments separately.*

We believe that the introduction of new legislation should not repeal the Dogs Act 1871, as this would still be a useful piece of legislation in certain circumstances.

ACPO Cymru are keen to ensure that the Welsh and UK Government legislation has some parity as follows:

- Microchipping of all dogs - UK Government will introduce regulations to require the microchipping of all dogs in England from 6 April 2016. From that date owners will need to have their dog microchipped and registered on one of the authorised commercial databases available; and they will have to register the details of any new owner before they sell or give the dog away. Owners will be required to keep their contact details up to date on the microchip databases.

DEFRA is now working with database providers and microchip suppliers to ensure minimum standards of service for commercial databases and standards of microchips, and that there is updated implantation guidance and training available as well as a one-stop 24 hour enquiry point for microchipped lost and found dogs.

We would ask that this process is mirrored in Wales and that the methodology surrounding the access and maintenance of the database is the same or totally compatible across England and Wales. Having consistency between the Westminster Government and Welsh Government on this issue would be hugely advantageous to enhance the Public's understanding of the requirement and how it will be managed.

- Amendments to the Dangerous Dogs Act - The ban on owning or selling some types of dogs bred for fighting will remain for public safety reasons. UK Government agreed with advice from the Police that the ban on the Pit Bull Terrier, Japanese Tosa, *Dogo Argentino* and *Fila Brasileiro* should remain in place to protect the public and to help deal with potentially dangerous dogs. We strongly suggest that the Welsh Government do not seek to change or reduce the previous ban on owning or selling these dogs.

Concerns have also been raised about dog attacks on postal workers and health visitors and social workers during home visits. People just doing their job should not be subject to dog attacks. The public agree. The consultation has shown wide support for the proposal to extend the scope of the offence in Section 3 of the Dangerous Dogs Act 1991 to all places, including private property. Extending the law will help give protection both to children in their homes, and to people who have to visit private properties such as healthcare, postal and professional utility workers. Postal workers in particular have suffered some terrible attacks, and the proposed change to the 1991 Act will close the loophole that has meant

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these attacks go unpunished. However, the proposed extension to the criminal law will not provide protection to trespassers who have entered a private property whom the householder believes has unlawful intentions. DEFRA will bring forward amendments to the Dangerous Dogs Act 1991 as soon as Parliamentary time permits to effect this change in the law.

We would suggest that the Welsh and UK Government law in this regard remains identical. We see no point in duplicating UK legislation in Wales in this regard.

The Government is also concerned to ensure that irresponsible dog ownership is tackled before a serious incident has occurred. As well as the ban on certain breeds of fighting dog, DEFRA is working closely with the Home Office and other Authorities to introduce new powers to help frontline professionals tackle anti-social behaviour involving dogs. The measures proposed in the draft Anti-Social Behaviour Bill published on 13 December 2012 were constructed to provide a set of flexible, effective tools and powers to enable Police and Local Authorities to tackle a wide range of anti-social behaviour including dog-related incidents.

However, we do see benefit in the additional range of powers and enforcement/restorative approaches that are proposed by the Welsh Government in the form of DCNs.

- Seizure and kennelling of suspected dangerous dogs - To ensure the welfare of suspected prohibited dogs that have become the subject of court proceedings and to ease the substantial costs to the Police Service, Government has also decided that it should no longer be necessary for the Police to seize and kennel such dogs pending the outcome of court proceedings where the Police do not consider the dog presents a risk to the public. The Police will have discretion to release a suspected prohibited dog where they are completely satisfied that it is in the care of a responsible owner. They will be allowed to put extra restrictions on the owner e.g. requiring the dog to be muzzled and on a lead when in public. These changes will be made by way of amendments to the exemption scheme and can be made through secondary legislation.

Appropriate processes and procedures should be put in place in Wales to support this approach. We feel that this is an area of common interest between the UK and Welsh Governments and subject to issues of legal competence, UK or Welsh legislation should be augmented to make provision for retention by responsible owners.

Anecdotal evidence in Scotland has suggested that an all Wales approach should be taken as consistency information sharing and consistent enforcement across Local Authorities are critical to the success and credibility of the legislation.

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- Supplementary Guidance - ACPO Cymru would welcome comprehensive guidance to be issued in support of any legislative measures. Police officers and staff have welcomed the opportunity to be involved in the consultation and working parties supporting the consultation.

We would welcome scenario based testing of the legislation during drafting stages and would like to offer support in the development of the guidance and legal measures as they continue through the legislative process.

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Views of the Crown Prosecution Service

Crown Prosecution Service Contact - Gerallt Evans (Tel: 01492 806803)

During our discussions with the working parties we have emphasised the need to involve the other agencies in the criminal justice system. These are the views of the Crown Prosecution Service.

There are 3 key developments in the Bill of varying significance:

1. The creation of an offence of failing to comply with a Dog Control Notice (Clause 17). This would be punishable by a Level 3 fine. The Police themselves do not anticipate this provision would be widely used. Obviously we would need clear evidence of the lawful issue and service of the notice. We would also need clear evidence of non-compliance. There is a “without reasonable excuse” qualification and that might need some judicial guidance on interpretation in the early days.
2. Clause 32 contains the most significant changes. It amends the DDA 1991 S3 offence of possessing a dangerous dog. The current offence does not apply if the dog was legitimately in a private place when the incident happened. If the Bill is enacted, this limitation will be removed and the offence will be committed regardless of the location of the dog at the time. This will apply to offences in Wales only. Certainly we have dealt with a number of cases locally (some involving very serious injury) where a prosecution for a criminal offence has not been possible due to that limitation. Such decisions have often proved difficult to explain to victims. As the amendment simply removes an existing limitation, I don’t foresee any enforcement issues.
3. Clause 32 also significantly amends the DDA by providing that a dog in Wales is to be treated as being “dangerously out of control” if there is reasonable apprehension that it will attack a protected animal. As the current law stands, the offence is only committed if the dog represents a danger to persons.

A “protected animal” is effectively any pet or domesticated animal including farm animals and working dogs/horses.

The extension of the DDA to cover attacks on animals as well as persons will lead to a significant change in approach by prosecutors. Traditionally, there has been a reluctance to prosecute if a dog has simply attacked another dog or chased a cat (i.e. acted on its natural instincts). An exception might be made if the incident was disproportionate, for example a Doberman mauling a Chihuahua. There have also been prosecutions where two dogs have started fighting and the “innocent” owner has been injured whilst trying to intervene.

A judgment called *Briscoe v Shattock* ruled a dog could be dangerous for the purposes of the 1871 Act if it was a danger to other animals rather than

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humans, but this case could not apply to the more specific wording of the DDA 1991.

The amendment to the law in Wales will therefore open the door for far more DDA Section 3 prosecutions than under the existing law

4. There is also a corresponding amendment that provides the aggravated form of the S3 offence will be committed in Wales if the dog injures a “protected animal” as well as a person (as is the case under the existing law in England and Wales). The significance of the aggravated offence is that it renders the Section 3 offence as an either way offence and there is a presumption that the dog must be destroyed on conviction (unless the Court is satisfied it poses no further risk).

The Bill seems to simply extend the ambit of the aggravated offence to protected animals, either way classification or sentencing powers remain the same. This raises the prospect that a defendant might elect Crown Court trial if the incident simply involves one dog nipping another dog and drawing blood. That said, I suspect the change in law may be driven by some very unpleasant incidents where dangerous dogs have been deliberately and maliciously set upon weaker pets causing great cruelty to the animal and distress to the owners.

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Conclusion

ACPO Cymru welcomes the opportunity to make comment on the Control of Dogs (Wales) Bill. The four Police Forces in Wales believe the Bill gives opportunities to improve public safety especially with regard to protecting the public in private places. The success of the Bill does depend heavily upon Local Authorities fulfilling their role in improving dog control. It is also imperative that there is training provision on offer across Wales.

With both Governments in London and Cardiff putting forward proposals in this area it is important that there is clarity for the public on the legislative requirements. The proposals will require close working by a number of agencies to ensure the success of the Control of Dogs (Wales) Bill.

As work on the Bill progresses ACPO Cymru would like to be closely involved in the precise definition of the Bill to ensure that legislation when passed is workable and improves public safety and dog control across Wales.

Assistant Chief Constable Gareth Pritchard
North Wales Police
ACPO Lead for Dangerous Dogs

ACPO VISION

- **Improves public protection from harm and serious injury**
The level of harm and injury in these cases is significant and life changing, especially when children are involved. As we have seen, the consequences can be far reaching and we cannot dismiss the potential for loss of life.
- **Provides protection in private places, including dwellings**
Many of the deaths in the past four years have occurred in private places and the limited powers frustrate a proper investigation.
- **Seeks early preventative action to be taken**
By changing the focus to an early preventative approach, injuries could be avoided. By the use of control notices and orders, early intervention and resolution can be achieved.
- **Provides a proportionate response dependant on the danger posed**
The current legislation is strict in its definition and does not allow flexibility to deal with the variety of issues we face.
- **Provides protection for workers who visit people's homes**
The need for such protection is evidenced from Unions such as the Communication Workers Union. Other Trade Unions who have employees working in people's homes also support the Bill.
- **A cost effective procedure**
The current legislation leads to substantial kennelling costs for Forces which could be significantly reduced.
- **Improves animal welfare**
The reduction in kennelling for many months will lead to a significant improvement in animal welfare.
- **Provides a swift and effective resolution**
The proportionate response, with options depending on the seriousness of the case allows an appropriate and swift resolution to many situations.
- **Gives communities reassurance**
This issue causes concern in many communities and some of the life changing injuries being sustained result in the public having a lack of confidence that the problem is being effectively addressed.

Mae cyfyngiadau ar y ddogfen hon

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Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad: Ystafell Bwyllgora 3 – y Senedd

Dyddiad: Dydd Mercher, 5 Mehefin 2013

Amser: 09:30 – 12:10

Gellir gwyllo'r cyfarfod ar Senedd TV yn:

http://www.senedd.tv/archiveplayer.jsf?v=cy_400000_05_06_2013&t=0&l=cy

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Cofnodion Cryno:

Aelodau'r Cynulliad:

Dafydd Elis-Thomas (Cadeirydd)
Mick Antoniw
Russell George
Vaughan Gething
Llyr Huws Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Tystion:

Peter Davies, Commissioner for Sustainable Futures
Yr Athro Gareth Wyn Jones
Anne Meikle, WWF Cymru
Julian Rosser, Oxfam Cymru

Staff y Pwyllgor:

Alun Davidson (Clerc)
Catherine Hunt (Dirprwy Clerc)
Nia Seaton (Ymchwilydd)

Gweld [trawsgrifriad o'r cyfarfod](#).

1 Cyflwyniad, ymddiheuriadau a dirprwyon

1.1 Ni chafwyd unrhyw ymddiheuriadau na dirprwyon.

2 Cynnydd tuag at y Bil Datblygu Cynaliadwy – trafodaeth ford gron

2.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

2.2 Cytunodd y tystion i ddarparu nodyn yn rhoi manylion am fodelau da o wledydd eraill.

3 Papurau i'w nodi

3.1 Ymchwiliad i bolisi ynni a chynllunio yng Nghymru: Ymchwiliad ar ôl adroddiad – papur gan Cyfoeth Naturiol Cymru

4.2 Nododd y Pwyllgor y papur.

4 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol: Eitem 5

4.1 Cytunodd y Pwyllgor ar y cynnig.

5 Cynnydd tuag at y Bil Datblygu Cynaliadwy – Ystyried y dystiolaeth

5.1 Trafododd y Pwyllgor y dystiolaeth.

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad: Ystafell Bwyllgora 2 – y Senedd

Dyddiad: Dydd Iau, 13 Mehefin 2013

Amser: 09:30 – 12:10

Gellir gwyllo'r cyfarfod ar Senedd TV yn:

http://www.senedd.tv/archiveplayer.jsf?v=cy_300000_13_06_2013&t=0&l=cy

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Cofnodion Cryno:

Aelodau'r Cynulliad:

Dafydd Elis-Thomas (Cadeirydd)
Mick Antoniw
Russell George
Vaughan Gething
Llyr Huws Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Tystion:

Carwyn Jones, Prif Weinidog
Alun Davies, Gweinidog Cyfoeth Naturiol a Bwyd
Gareth Jones, Llywodraeth Cymru
Chris Lea, Llywodraeth Cymru
David Thomas, Llywodraeth Cymru
Rosemary Thomas, Llywodraeth Cymru
Martin Williams, Llywodraeth Cymru

Staff y Pwyllgor:

Alun Davidson (Clerc)
Catherine Hunt (Dirprwy Clerc)
Graham Winter (Ymchwilydd)

TRAWSGRIFIAD

Gweld [trawsgripiad o'r cyfarfod](#).

1 Cyflwyniad, ymddiheuriadau a dirprwyon

1.1 Ni chafwyd unrhyw ymddiheuriadau na dirprwyon.

2 Ymchwiliad i bolisi ynni a chynllunio yng Nghymru: Ymchwiliad ar ôl adroddiad – tystiolaeth gan Brif Weinidog Cymru a'r Gweinidog Cyfoeth Naturiol a Bwyd

2.1 Bu'r Prif Weinidog a'r Gweinidog Cyfoeth Naturiol a Bwyd yn ateb cwestiynau gan aelodau'r Pwyllgor.

3 Ymchwiliad i rywogaethau goresgynnol estron – Tystiolaeth gan swyddogion Llywodraeth Cymru

3.1 Bu swyddogion Llywodraeth Cymru yn ateb cwestiynau gan aelodau'r Pwyllgor.

4 Papurau i'w nodi

4.1 Nododd y Pwyllgor gofnodion y cyfarfod a gynhaliwyd ar 23 Mai.

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad: Ystafell Bwyllgora 3 – y Senedd

Dyddiad: Dydd Mercher, 19 Mehefin 2013

Amser: 11:00 – 12:25

Gellir gwyllo'r cyfarfod ar Senedd TV yn:

http://www.senedd.tv/archiveplayer.jsf?v=cy_400000_19_06_2013&t=0&l=cy

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Cofnodion Cryno:

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Mick Antoniw
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Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Tystion:

Yr Athro Peter Matthews, Cyfoeth Naturiol Cymru
Dr Emyr Roberts, Cyfoeth Naturiol Cymru

Staff y Pwyllgor:

Alun Davidson (Clerc)
Catherine Hunt (Dirprwy Clerc)
Nia Seaton (Ymchwilydd)

TRAWSGRIFIAD

[Trawsgrifiad o'r cyfarfod.](#)

1 Cyflwyniad, ymddiheuriadau a dirprwyon

1.1 Ni chafwyd unrhyw ymddiheuriadau na dirprwyon.

2 Cyfoeth Naturiol Cymru

2.1 Bu'r Athro Matthews a Dr Roberts yn ateb cwestiynau gan aelodau'r Pwyllgor.

2.2 Cytunodd Dr Roberts i ddarparu rhagor o fanylion ar lefel y wybodaeth sy'n cael ei chyhoeddi yng nghofrestr penderfyniadau trwyddedu Cyfoeth Naturiol Cymru.

2.3 Cytunodd y Cadeirydd i ysgrifennu at y Gweinidog Cyfoeth Naturiol a Bwyd ynghylch Llywodraeth Cymru yn darparu canllawiau i CNC ar sut y dylai ddehongli'r diben statudol sydd wedi'i gynnwys yn Cyfoeth Naturiol Cymru (Gorchymyn Sefydlu) 2012.