

Broadland District Council 2022

The Anti-Social Behaviour, Crime and Policing Act 2014

Fouling of Land by Dogs

The District of Broadland Public Spaces Protection Order No. 3

1. Broadland District Council (“the Council”) hereby makes the following Order:

- a. This Order is made by the Council in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and this Order may be cited as the Broadland District Council Public Space Protection Order No.3.
- b. The Council is satisfied that:
 - i. Activities carried on within the restricted area as defined in Article 2 below, being the fouling of land by dogs: and
 - ii. that such activities may be of a persistent or continuing nature and the restrictions imposed by this notice are justified.

2. The Restricted Areas

- a. This Order relates to all land within the administrative area of the Council, shown in red on the plan in Schedule 1 of this Order, (“the Restricted Area”). This Order relates to all public/private land open to the air to which the public have access with or without payment including but not limited to all public highways (to include verges, footways, and footpaths), all public parks, pleasure grounds, sports grounds, playing fields and play areas.

3. Requirements and prohibitions

Fouling – failure to remove dog faeces

If a dog defecates at any time on land within the restricted area the person who is in control of the dog at that time shall remove the dog’s faeces from the land forthwith. This restriction is subject to the exemptions as stated in Article 4.

4. Exemptions

- a. The restrictions and prohibitions defined in Article 3 of this Order shall not apply to a person who is:

- i. registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
- ii. has a disability that affects their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which they rely for assistance.

5. For the purposes of this Order

- a. A person who habitually has a dog in their possession shall be considered in charge of the dog at any time unless at that time another person is in charge of the dog.
- b. Placing dog faeces in a suitable waste disposal receptacle shall be considered sufficient removal to satisfy the requirement of Article 3.
- c. The Council does not consider being unaware of dog defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces as an acceptable reason for failing to remove the faeces as require by Article 3.

6. Offences

- a. Under section 67 of the Act, it is an offence for a person, without reasonable excuse, to do anything that the person is prohibited from doing by a public space protection order or to fail to comply with a requirement to which the person is subject under a public space protection order.
- b. A person failing to comply with a requirement or prohibition set out in Articles 3(a) or 3(b) of this Order shall be guilty of an offence unless he or she has reasonable excuse for failing to do so.
- c. A person guilty of an offence is liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- d. Pursuant to section 68 of the Act, a Constable or authorised person of the Council, may issue a fixed penalty notice to anyone he or she has reason to believe has committed the offences specified above. This gives the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.
- e. The level of the fixed penalty shall be £100 save that if the fixed penalty is paid within 10 days following the date of the notice the amount payable is reduced to £80.

- f. A person who pays the fixed penalty within the period of 14 days following the date of the notice may not be convicted of the offence in respect of which the fixed penalty notice was issued.

7. Commencement and duration of the Order

- a. This Order comes into force on XXXXXXXX and shall remain in force until the XXXXX unless extended under section 60 of the Act.

8. Right to Appeal

- a. Any interested person wishing to challenge the validity of this Order must do so within 6 weeks beginning with the date on which this Order is made or, if applicable, varied.
- b. An application under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 is to the High Court.
- c. An interested person means an individual who lives in the restricted area or who works in or visits that area

Dated

The Common Seal of Broadland District Council

Was hereunto affixed in the presence of

Deputy Monitoring Officer

Officer of the Relevant Service