

The Anti-social Behaviour, Crime and Policing Act 2014: Section 60

Extension of Public Spaces Protection Order

South Somerset District Council – The Dogs Exclusion (Land at the fenced lower lake area at Ninesprings in Yeovil Country Park) Public Spaces Protection Order

South Somerset District Council in exercise of its powers under Section 60 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby make the following order:-

THIS ORDER is made by South Somerset District Council (“the Council) because the Council is satisfied on reasonable grounds that;

- activities carried on or likely to be carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice

The Public Open Space to which this order applies is the fenced lower lake area at Nine Springs, in Yeovil Country Park in the administrative area of South Somerset and is referred to as (“the restricted area”) as shown edged black on the attached plan.

This Order comes into force on 9th March 2020

The Requirement

1. No Dogs in the restricted area

A person in charge of a dog shall not take it onto or permit it to enter or to remain on, any land to which this Order applies – unless

- a) He has a reasonable excuse for doing so; or
- b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Nothing in this requirement applies to a person who –

- a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance. In this requirement ‘Prescribed Charity’ means a charity listed as a member to Assistance Dogs UK (registered charity no 1119538)

For the purposes of this requirement

- a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

Reasons for requirement 1

To protect the public, any other animal or the wildlife from any nuisance, disturbing or harassing behaviour from the dog

2. Dogs on Leads by order

A person in charge of a dog shall at any time within the restricted area comply with a direction given to him by an authorised officer of the council, a police officer or police community support officer (PCSO) to put and keep the dog on a lead unless;

- a) he has reasonable excuse to fail to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;

An authorised officer (an employee of the authority who is authorised in writing by the Authority for the purposes of giving directions under this order), police officer or PCSO may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or any other animal.

Reason for requirement 2

To protect the public, any other animal or the wildlife from any nuisance, disturbing or harassing behaviour from the dog.

Duration of Order

This order shall remain in force for a period of three years unless extended under section 60 of the Act 2014

Appeal

An interested person may apply to the High Court to question the validity of this order on the ground that the local authority did not have power to make the order or that it has not complied with a requirement of the Act. An Appeal must be made within 6 weeks of the date on which the order is made.

Dated

The Common Seal of etc

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Solicitor to the Council

For Information

Offences – s67 of the Act

- 1) It is an offence for a person without reasonable excuse-
 - a) to do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

Fixed Penalty – s68 of the Act

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence by not complying with a requirement of this order. You will have 14 days to pay the fixed penalty of £80, £50 if paid within 10 days. If you pay the fixed penalty within the 14 days you will not be prosecuted.

