

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

Extension of Public Spaces Protection Order

South Somerset District Council – The Fouling of Land by Dogs, and Dogs on Leads by Direction
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 extend 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 all public places (areas the public or any section of the public on payment or otherwise, have access to as of right or by virtue of express or implied permission) in the administrative area of South Somerset and is referred to as (“the restricted area”) as shown edged black on the attached plan, but does not include private Land (to which the public may have access).

This Order comes into force on 9th March 2020.

The Requirement

1. Dog Fouling

If a dog defecates at any time in the restricted area the person who is in charge of the dog at that time shall remove the faeces from the restricted area forthwith, unless he has reasonable excuse for failing to do so or the owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically) to his failing to do 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) 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.

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 dogs;
- b) Placing the faeces in a receptacle on the land which is provided for the purposes, or for the disposal of waste, shall be a sufficient removal from the land;
- c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- d) 'Prescribed Charity' means a charity listed as a member to Assistance Dogs UK (registered charity no 1119538)

Reasons for requirement 1

To protect the general public from the health risks dog fouling poses and the detrimental affect the proliferation of excessive dog fouling has on the restricted area.

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, reduced to £50 if paid within 10 days. If you pay the fixed penalty within the 14 days you will not be prosecuted.

