



## **Anti-Social Behaviour, Crime and Policing Act 2014**

### **Proposed Public Space Protection Order**

The new Anti Social Crime and Policing Act 2014 introduced a new power available to local authorities called Public Space Protection Orders (PSPOs). These orders are intended to deal with a particular nuisance or problem in particular areas. Specifically they replace the district council's existing Dog Control Orders that are currently in place but will now expire in 2017.

The exact details of a local protection order can be defined by a local council and can be enforced by a police officer, and authorised council officers. A breach of an order is a criminal offence and can be dealt with by issuing a Fixed Penalty Notice (£100 reduced to £60 for early payment) as an alternative to prosecution in the courts where the maximum fine is £1,000.

The district council proposes to introduce a PSPO to cover aspects of dog control and are required to consult with the public over its proposals.

#### **What is proposed?**

The district council proposes the following restrictions on persons in control of dogs:

##### **1. Dog fouling**

If within the administrative area of the authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

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

##### **2. Leads by order**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the authority he/she does not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a lead unless:

- He/she has reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.

An authorised officer of the authority 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 other animal.

### 3. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he/she takes the dog onto, or permits the dog to enter or to remain on or in a fenced/enclosed children's play area or the playing surface of any designated or marked out sports pitch or athletic area at any time within the administrative area of the authority unless:

- He/she has reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.

### 4. Means to pick up

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the authority he/she does not have with him/her an appropriate means to pick up dog faeces deposited by that dog unless:

- He/she has reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.

The obligation is complied with if, after a request from an authorised officer the person in charge of the dog produces an appropriate means to pick up the dog faeces.

### 5. Exemptions

Nothing in this order shall apply 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/she relies for assistance; or
- (c) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this order:

- (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;
- (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be 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) "An authorised officer of the authority" means an employee, partnership agency or contractor of North West Leicestershire District Council who is authorised in writing by North West Leicestershire District Council for the purposes of giving directions under the order.
- (e) Each of the following is a "prescribed charity" –
  - Dogs for the Disabled (registered charity number 700454)
  - Support Dogs Limited (registered charity number 1088281)
  - Canine Partners for Independence (registered charity number 803680)

### Consultation Questions

1. Would you like to see the continuation of the existing power which makes it an offence if a person in charge of a dog fails to clean up its faeces?

Yes  
No  
Comments

2. Would you like to see the continuation of the offence of failing to put a dog on a lead by order of an authorised officer?

Yes  
No  
Comments

3. Would you like to see the continuation of the offence of taking or keeping a dog in an enclosed or fenced children's play area and the playing surface of any designated or marked out sports pitch or athletic area.

Yes  
No  
Comments

4. Would you like to see the introduction of a new offence under the order which would require persons to carry a poop bag or other means for clearing up after their dog has fouled?

Yes  
No  
Comments

Any Further Comments:

Please return completed forms to [environmental.protection@nwleicestershire.gov.uk](mailto:environmental.protection@nwleicestershire.gov.uk) or by writing to:

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