

The Anti-social Behaviour, Crime and Policing Act 2014 The Public Spaces Protection Order - (Blaby District Council) 2022

Blaby District Council (in this order called “the Authority”) hereby makes the following Public Space Protection Order under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014 (“the Act”).

This Order comes into force on the 21 of November 2022 for a period of 3 years.

Offences

1. Dog Fouling

1.1. 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:

- a) he has reasonable excuse for failing 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.

1.2. If a person who is in charge of a dog does not have or produce when requested by an authorised officer of the Authority, a receptacle for picking up dog faeces, that person shall be guilty of an offence.

1.3. A receptacle is defined as any object capable of holding faeces for disposal.

1.4. 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.

1.5. 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.

2. Leads by order

2.1. 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 does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead unless:

- a) he has reasonable excuse for failing 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.

2.2. An authorised officer 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 another animal.

3. Dogs on Leads

- 3.1. This order applies to the land specified in Schedule 1 to this order.
- 3.2. A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this order applies he does not keep the dog on a lead unless:
- a) he has reasonable excuse for failing 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.

4. Dog Exclusion

- 4.1. This order applies to the land specified in Schedule 2 to this order.
- 4.2. A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this order applies unless:
- a) he has reasonable excuse for failing 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.

5. General

- 5.1. A lead should be of such construction and strength to restrain the dog and be no longer than two (2) metres in length. A retractable lead that is longer than 2 metres can be used where its maximum length is limited to 2 metres while the direction applies.
- 5.2. For the purpose of this Order, 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.
- 5.3. "an authorised officer of the Authority" means an employee, partnership agency or contractor of Blaby District Council who is authorised in writing by Blaby District Council for the purposes of giving directions under the Order.

6. Exemptions

- 6.1. 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 relies for assistance; or
 - c) has a disability which affects his mobility, manual dexterity, physical coordination 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.
- 6.2. For the purpose of this order - 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)

7. Penalty

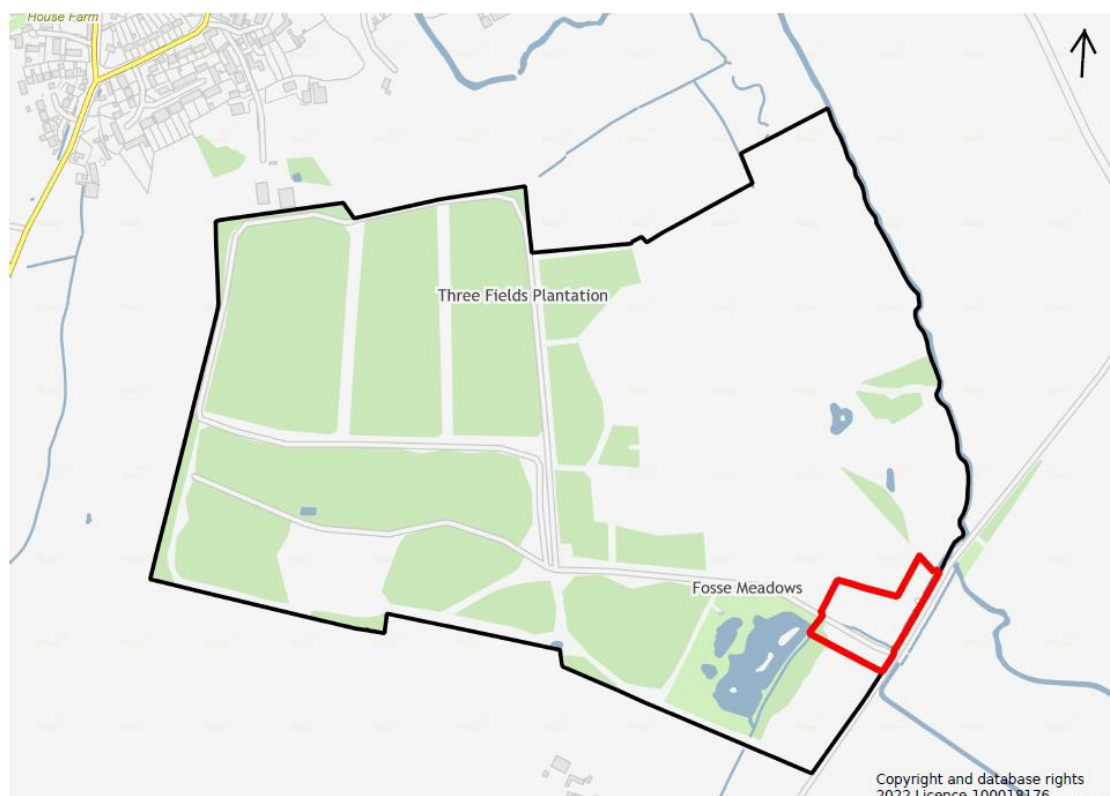
7.1. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7.2. A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 14 days which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

Schedule 1 – Land where dogs must be on a lead

The land referred to in Article 3 above (land where dogs must be kept on a lead) is:

- 1) All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) cemetery, graveyard, churchyard or burial ground, signed at its entrance(s) as a "dog on lead" area (whether the sign uses those particular words or words and/or symbols having like effect).
- 2) The car parks and picnic area at Fosse Meadows Nature Reserve area as defined by the red border on the map below.



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Schedule 2 – Land where dogs are excluded

The land referred to in Article 4 above (land where dogs are excluded) is:

All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) children's play area, signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect).