

THE PUBLIC SPACES PROTECTION ORDER

THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (DOG FOULING) 2023

WHEREAS Gedling Borough Council is satisfied that failing to remove dog faeces from land forthwith is occurring in the area shown on the attached map outlined in red and is having a detrimental effect on the quality of life of those in the locality and the effect or likely effect of this is;

- (a) is or is likely to be of a persistent or continuing nature,
- (b) is or is likely to be such as to make the activity unreasonable, and
- (c) Justifies the restrictions imposed by this Order.

It is in all circumstances expedient to make an order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the purpose of reducing crime and anti-social behaviour.

NOW THEREFORE the authority in exercise of the powers under Section 59 of the Act, and all other enabling powers, hereby make the following order:-

Prohibition of Dog Fouling

1. If a dog defecates at any time on land to which this Order applies and the 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. They have a 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 their failing to do so.
2. This part of the order applies to all public places in the borough identified by the attached Plan.

For the purpose of this Order a “public place” means any place to which the public or any section of the public has access on payment or otherwise; as a right or by virtue of express or implied permission.

3. For the purpose of this Order:
 - a. A person who has a dog in his possession shall be taken to be in charge of the dog

- b. Where a dog strays the person who habitually has the 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;
- c. Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- d. 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.

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. 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 and are in charge of a dog trained by members of Assistance Dogs UK and are accredited by Assistance Dogs International or the International Guide Dog Federation

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.

This order shall take effect from the 21st October 2023 for a period of 3 years

THE COMMON SEAL OF
GEDLING BOROUGH COUNCIL

Was hereunto affixed in the presence of:

.....MAYOR

.....MONITORING OFFICER