



## **PUBLIC SPACES PROTECTION ORDER (Dog Fouling and Nuisance) 2020**

The High Peak Borough Council (the Council) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

1. This Order comes into force on **[INSERT DATE]** and will last for a period of three years.
2. This Order applies to the land specified in the Schedule.

### **Purpose**

3. This order is intended to help stop or reduce the detrimental effect on the quality of life of those in the locality caused by (i) failure to remove dog faeces from land and (ii) nuisance behaviour caused by dogs in public areas.

### **Prohibitions**

4. A person shall be in breach of this Order if:
  - 4.1 A dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith.
  - 4.2 A person who is in charge of a dog at that time does not comply with a direction given him by an Authorised Officer of the Authority to put and keep the dog on a lead of not more than six feet in length.
  - 4.3 An Authorised Officer of the Authority has reason to believe that a person has committed an offence under this Order and the person:
    - (a) fails to give his name and address when asked to do so, or
    - (b) gives a false or inaccurate name or address.

### **Offence of Failing to Comply with Order**

- 5.1 Under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014, it is an offence for a person without reasonable excuse to:
  - (a) do anything that the person is prohibited from doing by this Order, or

- (b) fail to comply with a requirement to which the person is subject under this Order.

5.2 A person does not commit an offence under this Order by failing to comply with a prohibition or requirement if:

- (a) he is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- (b) he 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;
- (c) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or
- (d) the local authority did not have power to include the prohibition or requirement in this Order.

5.3 A person guilty of an offence of failing to comply with this Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Challenging the Validity of the Order**

6. An Interested Person may apply to the High Court to question the validity of the Order on the grounds that the Council has no power to make the Order, include the particular prohibitions or requirements imposed by the Order, or that a requirement of the Act has not been complied with within six weeks beginning with the date on which the order is made.

### **Interpretation**

7. 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:
  - (i) at that time some other person is in charge of the dog; or
  - (ii) the person is under the age of 16, in which case the Parent of that person shall be treated as being in charge of the dog at the relevant time;
- (b) placing the faeces in a receptacle on the land which is provided for the purpose, 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) each of the following is a "prescribed charity":-
  - (i) Dogs for the Disabled (registered charity number 700454);
  - (ii) Support Dogs (registered charity number 1088281);
  - (iii) Canine Partners for Independence (registered charity number 803680);
- (e) an Authorised Officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause

- annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.
- (f) an Authorised Officer of the Authority means an employee, partner agency or contractor of High Peak Borough Council who is authorised in writing by High Peak Borough Council for the purposes of administering the requirements of this Order.
  - (g) Parent, in relation to a person under the age of 16, includes any person:
    - (i) who is not a parent of his but who has parental responsibility for him, or
    - (ii) who has care of him.
  - (h) Interested Person means an individual who lives in the restricted area or who regularly works in or visits that area.

IN WITNESS whereof the COMMON SEAL  
of the HIGH PEAK BOROUGH COUNCIL was hereunto affixed this  
day of two thousand and twenty in  
the presence of

Solicitor

### **SCHEDULE**

This Order applies to all land within the area of High Peak Borough Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) including access land as defined in section 1 of the Countryside and Rights of Way Act 2000. This includes, but is not limited to all footpaths, the footways and carriageways of every highway (including tree bases and grass verges) and every cemetery, park, public garden and open space including land owned by parish and town councils.