



PUBLIC SPACE PROTECTION ORDER

Anti Social Behaviour Crime & Policing Act 2014

2017/03 – Dog Fouling

Notice is hereby given that **Waveney District Council** in exercise of its powers under Section 59 of the Anti Social Behaviour, Crime and Policing Act 2014 ("The Act") makes the following Order:

1. Duration:

This Order shall come into force on 6th April 2017 and shall have effect for a period of three years thereafter, expiring on 5th April 2020 unless revoked, amended or extended by further orders.

2. The Restricted Area:

The Order applies to all land in the Waveney District which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including (but not restricted to) commons, beaches, highways, footpaths, verges, car parks, pedestrianised areas, promenades, sports fields and pitches, village or town greens, play areas, parks, gardens and other community amenity space (the "Restricted Areas").

3. Persons to whom this Order applies:

The Order applies to all persons within the Restricted Areas at all times of the day and night.

4. The Activity:

The Council is satisfied that the conditions set out in Section 59 of the Act have been satisfied and that the requirement specified below shall apply to any person for the time being in control of a dog which defecates on land in a Restricted Area ("the Activity"). Further, the Council is satisfied that the effect of the Activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the Activity unreasonable and the effect justifies the requirements imposed.

5. Requirements:

In pursuance of section 59 of the Act, the Council therefore requires persons for the time being in control of a dog within a Restricted Area to remove all faeces deposited by the dog forthwith.

6. Exemptions:

This order shall not apply to any person who:

- i. has a reasonable excuse for failing to comply. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having suitable means of removing the faeces shall not be a reasonable excuse for failing to comply with this order.
- ii. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- iii. is for the time being in charge of an Assistance Dog registered with Assistance Dogs UK and upon which he relies for assistance.

7. Offences

- i. Failure without reasonable excuse to comply with the prohibitions imposed by this Order, as set out at point 5 above, is a criminal offence.



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- ii. A person guilty of such an offence, under section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- iii. Alternatively, at the Council's discretion, a person believed to have committed an offence may be offered the opportunity to discharge liability for prosecution by paying a fixed penalty of £80.

Dated this *5th* day of April 2017

The Common Seal of Waveney District Council was affixed in the presence of:


.....
Authorised Officer

MINUTE	<i>CABINET DECISION</i>
	<i>24/01/2017</i>
SEAL	<i>22854</i>

