



# The Anti-social Behaviour, Crime and Policing Act 2014

## The Draft Public Spaces Protection Order (East Hertfordshire District Council) 2016 (as extended and varied 2019)

East Hertfordshire District Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on 1<sup>st</sup> May 2019 for a period of 3 years.

### General provisions:

1. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014. Obligations 3 to 10 and 12 are liable to a fine on summary conviction not exceeding level 3 on the standard scale. A person who fails to surrender any alcohol under provision number 11 is liable on summary conviction not exceeding level 2 on the standard scale.

### Obligations on persons with dogs:

#### 2. Fouling

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land immediately unless

- (a) they have 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.

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority 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.

#### 3. Dogs on leads when directed

A person in charge of a dog on land to which this order applies must 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) they have 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.

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.

This applies to all land in the administrative area of the Authority 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.

#### **4. Dogs on leads in specified areas**

A person in charge of a dog must keep the dog on a lead in designated areas unless

- (a) they have 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 them failing to do so.

This applies to the designated areas of land specified in the Schedule 1 of this order.

#### **5. Dog exclusion in specified areas**

A person in charge of a dog must not take it into land which has been designated to exclude dogs unless

- (a) they have 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.

The designated areas of land to exclude dogs are

- fenced children's playgrounds and areas which are designated and marked for children's play
- all fenced games areas e.g. tennis, ball courts, skate parks
- all bowling greens
- marked playing pitches – when in use for playing sports
- Specified Town and Parish Council owned land

This applies to the land specified in the Schedule 1 of this order.

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or  
(ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

#### **6. Walking more than 4 dogs**

No one person may take more than four (4) dogs onto any East Herts Council owned land at one time.

This applies to the land specified in the Schedule 1 of this order.

## **7. Failing to produce a receptacle for picking up dog faeces**

A person in charge of a dog on land to which this order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless

- (a) they have 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.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate receptacle to pick up dog faeces. A receptacle is defined as any object capable of holding faeces for disposal.

By way of guidance, a trouser or coat or other pocket is not such item for the purpose of this obligation. Neither is a handbag, rucksack, purse or sports bag.

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority 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.

## **8. 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;
- 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;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a receptacle for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- “an authorised officer” means a Police Officer, Police Community Support Officer, an authorised employee, partnership agency or contractor of East Hertfordshire District Council who is authorised in writing by East Hertfordshire District Council for the purposes of giving directions under the Order.

## **9. Appeals**

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.