

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4 SECTION 59

DOG CONTROL and DOG FOULING

PUBLIC SPACES PROTECTION ORDER 2023

TENDRING DISTRICT COUNCIL, (in this order called "the Authority"), 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 hereby make the following order:

This Order comes into force - January 2024

The Order remains in force for a period of 3 years under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014.

It is an offence under Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 for any person to fail to comply with a requirement under this Order or do anything a requirement prohibits them from doing under this Order.

1. ORDER DEFINITIONS

Within this Order the following definitions shall apply;

- (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 at that time some other person is in charge of the dog;

- (b) An "authorised person" means, a Police Officer, an authorised officer of Tendring District Council or a person who is authorised by Tendring District Council for the purposes of giving directions under this Order.

- (c) The District of Tendring shall be all that area edged in red on the map at Annex 1 of this Order.

2. FOULING OF LAND BY DOGS

- (a) This part of the Order applies to all of the District of Tendring.
- (b) If 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 then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.
- (c) A person in charge of a dog that defecates on land referred to in 2(b) shall comply with a direction given to them by an Authorised Officer to remove such dog faeces.
- (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, as per section 5 of this Order, for failing to remove the faeces.
- (e) 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.

3. LEADS BY ORDER OF AN AUTHORISED PERSON

- (a) This part of the Order applies to all public places within the District of Tendring
- (b) A person in charge of a dog shall comply with a direction given to him by an authorised person to put and keep the dog on a lead.
- (c) An authorised person 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.

4. EXCLUSION AREAS

(a) A person in charge of a dog shall not take the dog into any enclosed childrens' play areas or any enclosed sports facilities in the District of Tendring.

5. GENERAL DEFENCES

- (a) It shall be a defence to offences arising under section 2 if the person:
- (i) has reasonable excuse for failing to comply with the relevant section; or
 - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (iii) that person is subject to an exemption listed in Section 6.

6. 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
- (c) is not a person falling within the criteria mentioned in S6(a) or s6(b) but who the Authority considers should be exempt due to an impairment of that particular person.

(d) Nothing in this Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs being used for work in connection with;

- Emergency search and rescue
- Law enforcement
- HM Armed Forces
- Farm dogs

7. PENALTY

(a) Breach of this order, without reasonable excuse is a criminal offence, subject to a fixed penalty notice (of £100) or prosecution.

(b) Whether a fixed penalty is issued or the matter proceeds direct to a prosecution shall be at the sole discretion of the authority.

(c) If a fixed penalty is issued and remains unpaid after the time allowed by statute, then the offender will be liable to prosecution.

(d) On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale.

Signed: Delegated Officer

Dated: August 2023