

HUNTINGDONSHIRE DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER (Dog Control) 2017

The Order

Huntingdonshire District Council ('the Council') in exercise of its powers pursuant to Section 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :

1. This Order shall come into operation on **20 October 2017** and shall have effect for a period of 3 years from that date.

The areas to which the Public Space Protection Order (PSPO) applies;

2. This Order relates to the areas (land to which this Order applies) within the administrative District of Huntingdonshire, as shown on the attached maps, and applies to all the land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
3. For the purposes of this Order, any land which is covered is deemed to be land which is "open to the air" if it is open to the air on at least one side.

Persons who the order applies to

4. For the purposes 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.
5. Nothing in this Order applies to a person who:
 - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, in respect of a guide dog under their control; or
 - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - c. has a disability which affects his mobility, manual dexterity, physical co-ordination 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.
6. For the purposes of this Order, each of the following is a "prescribed charity"
 - a. Dogs for the Disabled (registered charity number 700454);
 - b. Support Dogs (registered charity number 1088281);

- c. Canine Partners for Independence (registered charity number 803680).

Impact of the Order

7. The effect of this Order is to impose the following prohibitions and requirements on land to which this Order applies, specified as follows:

Dog faeces to be picked up and taken away or disposed of in a suitable bin

8. In all land to which this Order applies, specified in Schedule 1 to the Order, if a dog defecates at any time on any part of the land, a person who is in charge of the dog at that time and who fails to remove the faeces from the land forthwith, shall be guilty of an offence unless:
 - a. he has 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 his failing to do so.
9. For the purposes of this Order:
 - a. 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;
 - b. 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.

Persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer

10. In all land to which this Order applies, specified in Schedule 1, a person who is in charge of the dog shall, on instruction by a constable or authorised officer of the Council, demonstrate to the satisfaction of the constable or authorised officer that he has in his possession a device for or other suitable means of removing the dog's faeces.

Dogs to be placed on a lead upon request by any authorised officer

11. In all land to which this Order applies, specified in Schedule 1, a person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a direction given to him by a constable or authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length unless:
 - a. he has 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 his failing to do so.

12. A constable or authorised officer of the Council 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 likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.
13. In this Order 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council).

Dogs to be kept on a lead at all times in specified areas

14. In any land to which this Order applies, as specified in Schedule 2, a person in charge of a dog shall be guilty of an offence if, at any time, he does not keep the dog on a lead of not more than 2 metres in length, unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Dogs to be excluded at all times in specified areas

15. In any land to which this Order applies, as specified in Schedule 3, a person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on to any part of the land unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Enforcement of the conditions of this Order

16. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.
17. A Police Constable, a Police Community Support Officer or an 'authorised person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.
18. An 'authorised person' and 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council). A constable means a Police Constable in whatever capacity.

19. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN of £100.00.
20. The Council is satisfied that the conditions set out in Sections 59 and 72 of 'the Act' have been met: that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this notice. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
21. Any interested person (an individual who lives or regularly visits or works) in land to which this Order applies who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

[Date] Sealed as Deed on behalf of Huntingdonshire District Council

the Common Seal being affixed in the presence of and signed by:

Authorised Signatory

Schedule 1

[the entire district of Huntingdonshire, as shown on the map on the web site]

<http://www.huntingdonshire.gov.uk/media/1260/dogs-on-leads-by-direction-huntingdonshire-order-2007.pdf>

Schedule 2

[the areas currently included in the Dogs On Leads Order, as shown on the maps on the web site]

<http://www.huntingdonshire.gov.uk/environmental-issues/dogs-and-animal-welfare/dogs-on-leads/>

Schedule 3

[the areas currently included in the Dogs Exclusion Order, as shown on the maps on the web site]

<http://www.huntingdonshire.gov.uk/environmental-issues/dogs-and-animal-welfare/exclusion-zones/>