

## **East Cambridgeshire District Council**

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

#### **Public Spaces Protection Order Dog Fouling Consultation**

Notice is hereby given that East Cambridgeshire District Council proposes to make a Public Space Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

In October 2014 the power to make Dog Control Orders was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014. Section 59 of the Act provides local authorities with powers to make Public Space Protection Orders. These orders intend to address activities carried out in public spaces that have a detrimental effect on the quality of life of those in the locality.

The council takes the health and well-being of the residents very seriously and seeks to promote a healthy, safe environment. Dog mess causes many problems if not cleaned up. If left in parks and open spaces, it can be both unpleasant and a health hazard. It particularly causes problems to users of parks, play areas and sports grounds. Faeces can carry and transmit diseases, most severely toxocariasis which can cause blindness.

1. The proposed PSPO will be entitled 'East Cambridgeshire District Council Public Space Protection Order Dog Fouling 2018' and will replace the current Dogs (Fouling of Land in East Cambridgeshire) Act 1997, which does not cover land such as agricultural land or woodland, common land, or land by the side of roads with a speed limit greater than 40mph. The proposed PSPO would cover all such areas where the public has access. It will last for up to 3 years, upon which it will be reviewed and extended if necessary.
2. The PSPO will make it an offence for any person in charge of a dog, which defecate on land specified within the Order, to fail to removes the faeces forthwith, unless they can show a reasonable excuse for failing to do so, or the owner occupier of the land has consented to them failing to do so.
3. A person who is guilty of an offence under the Order shall be issued a Fixed Penalty Notice of £80.00 or be liable on summary conviction to a fine not exceeding level 3 of the standard scale (currently £1000)
4. Under Section 72 of the Act, before introducing a PSPO the Council is obliged to carry out a consultation with the chief officer of police, the local policing body, and any community representatives, and owners/occupiers of land covered within the Order which are deemed necessary

5. The consultation will be publicised through the Council's website, in local media, and through the Council's social media pages - Facebook: East Cambridgeshire District Council, Twitter: @eastcambs
6. The Council would like to hear your views on the proposed PSPO. You can do this by:
  - Completing the online survey found on the Council's website ([www.eastcambs.gov.uk](http://www.eastcambs.gov.uk))
  - Filling in a paper survey found in the reception of the Council's office (The Grange, Nutholt Lane, Ely, CB7 4EE)
  - Printing out the paper survey from the Council's website and sending it into the Council (by post or email [envirocrime@eastcambs.gov.uk](mailto:envirocrime@eastcambs.gov.uk))
7. Representation on the proposed PSPO should be made by 12 midnight on the 24<sup>th</sup> July 2018. Representations received after this time cannot be accepted.

## **East Cambridgeshire District Council**

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

#### **Public Spaces Protection Order Dog Fouling**

1. East Cambridgeshire District Council (“the council”) in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and under all other enabling powers, makes the following Order known as:

#### **East Cambridgeshire District Council Public Space Protection Order Dog Fouling 2018**

2. The Order applies to all public places in East Cambridgeshire District Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas. For this purpose, a ‘public place’ means any land to which the public has access, on payment or otherwise, as of right, or by virtue of express or implied permission.

3. The Council, on making this order, is satisfied on reasonable grounds that:

(i) the activities identified below have had detrimental effect on the quality of life of those in the locality

(ii) 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 the order.

4. The order shall come into force on \_\_\_\_\_ for a period of up to 3 years.

#### **DOG FOULING**

If a dog defecates at any time on land to which this Order applies, and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence, unless –

(i) that person has a reasonable excuse for failing to do so; or

(ii) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

(iii) *that person is subject to the exemptions listed in Schedule 1*

#### **PENALTY**

Any breach of this Order is a criminal offence and will result in a Fixed Penalty Notice of £80 to be paid within 21 days. Failure to pay will lead to, upon summary conviction, a fine not exceeding level 3 on the standard scale.

## Schedule 1

### EXEMPTIONS

1. For the purpose of this order –

A person who being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or other means of removing the faeces shall not be reasonable excuse for failing to remove the faeces

2. Nothing in this order shall apply to a person who-

(i) is registered as a blind person in a register complied under Section 29 of the National Assistance Act 1948; or

(ii) is deaf, in respect of a dog Trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance (dogs must be clearly marked as assistance dogs); or

(iii) has a disability which affects that person's 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 that person relies for assistance (dogs must be clearly marked as assistance dogs)

3. Each of the following is a prescribed charity-

(i) Dogs for Good (registered charity number 1092960) - formally Dogs for the Disabled

(ii) Support Dogs Limited (registered charity number 1088281)

(iii) Canine Partners for Independence (registered charity number 803680)