

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

**PUBLIC SPACES PROTECTION ORDER**

North East Lincolnshire Council (herein “the Council”) makes this Order under section 59 of the 2014 Act, having consulted as required by section 72.

The order takes effect on \*\*\*\*\*\* and has a duration of 36 months.

The introduction of a Borough wide Public Space Protection Order under the new powers will replace outdated legislation relating to dog fouling and dog control.

Although, as an authority, we do recognise that the vast majority of dog owners are caring, responsible and respectful of their local communities, complaints are regularly received from residents about dog fouling and the behaviour of some dogs. Therefore to bring greater clarity and consistency to benefit all our residents, the prohibitions have been designed to be as simple as possible, clearly outlining expectations within our communities.

In short, the prohibitions include the following five key areas -

* Failure to clear up your dog’s mess.
* The keeping of dogs on leads in specified areas
* Leads by order – this covers the need for people to put and keep a dog on a lead when directed to do so by an authorised officer.
* Exclusion of dogs from certain areas - this includes enclosed children’s play areas
* Carrying suitable means to remove dog fouling.

Exemptions to these prohibitions would include the following –

* Where a person is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 ; or

Where a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance

**The following prohibitions and requirements are to tackle the issue through a Public Spaces Protection Order:**

|  |  |  |
| --- | --- | --- |
|  | | |
| **PROHIBITIONS** | **REQUIREMENTS** | **WHEN** |
| **Dog 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 forthwith.  This prohibition would be in force across the borough of North East Lincolnshire |  | At all times, unless the dog owner  (a) has 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. |
|  | **Leads must be worn**  A person in charge of a dog on the land below must keep the dog on a lead  This requirement would be in force within the following areas  1. During opening times for all cemeteries and woodland burial areas;  3. All sports grounds, fields, parks, play areas and pitches, which are maintained by the local authority and are not subject to ‘Dog Exclusion’, but only when in use for organised authorised events. These include gala’s, fairs, sporting matches, charitable events).  Clear signage will be erected in these locations | At all times, unless the dog owner  (a) has 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. |
|  | **Leads by Order**  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.  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 prohibition would be in force across the borough of North East Lincolnshire. | At all times, unless the dog owner  (a) has 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. |
| **Dog exclusion areas**  A person in charge of a dog must not take it into, or keep it within a specified or signed area  This includes fenced / enclosed children’s play area and where there is a sign at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children’s play.  This also includes any area dedicated for protection of wildlife, including birds and where there is a sign at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect).  Dogs are not allowed on the beach from Wonderland Groyne to Cleethorpes Leisure Centre from Good Friday to 30 September each year. The beach map shows the areas that dogs are allowed at this time - see map Appendix 1  A dog exclusion zone will also apply outside of opening times for all cemeteries and woodland burial areas;  Clear signage will be erected in these locations |  | At all times, unless the dog owner:  (a) has 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. |
|  | **Means to pick up**  A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to pick up dog faeces deposited by that dog  The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.  This prohibition would be in force across the borough of North East Lincolnshire | At all times, unless the dog owner:  (a) has 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. |
| **Additional notes and definitions for the purpose of the Order**  • A person who habitually has a dog in their 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 device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces  • “an authorised officer of the Authority” means an employee, partnership agency or contractor of North East Lincolnshire Council who is authorised in writing by North East Lincolnshire Council for the purposes of giving directions under the Order.   * ‘At all times, unless the dog owner: (a) has reasonable excuse for failing to do so – this will include guide dogs / assistance dogs – would consider incidents on a case by case basis if a disability would make it hard to comply and if it does, accept this as a reasonable excuse. | | |

**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 device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

• “an authorised officer of the Authority” means an employee, partnership agency or contractor of North East Lincolnshire Council who is authorised in writing by North East Lincolnshire Council for the purposes of giving directions under the Order.

.