

PUBLIC SPACE PROTECTION ORDER FOR DOG FOULING AND CONTROL

The original Dog fouling and control Public Space Protection Order (PSPO) was authorised in February 2017 for a period of 3 years following a borough wide consultation. Throughout the life of the previous order there has been both enforcement and engagement work undertaken. This has included media campaigns with young children included for a poster design to highlight the issue, and targeted education around general waste and litter issues delivered by Doncaster Council's Waste and Recycling team within schools and to community groups.

A PSPO consultation process started on 18 December 2019 with statutory and specific consultees, 20 December 2019 with residents of Doncaster and ceasing the consultation period on 2 February 2020. Overall the consultation results demonstrated a very strong level of support for each of the proposed prohibitions.

On 10th March 2020 Cabinet approved an extension to the Public Space Protection Order for a further 3 years.

What is a Public Space Protection Order?

Public Spaces Protection Orders were introduced in the Anti-Social Behaviour Crime and Policing Act 2014.

A Local Authority can make such an order if it's satisfied on reasonable grounds that activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it's likely that activities will have such an effect. And that the effect, or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, or is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

The conditions of each PSPO are tailored to give Local Authorities and the Police the necessary and proportionate powers to tackle the problems occurring, or likely to occur, within the area.

What to do if you believe there is a breach of this Order

Contact the enforcement team at enforcementteam@doncaster.gov.uk

Remember, in an emergency, you should always call 999.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER

Doncaster Council has exercised its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and hereby makes a Public Space Protection Order for Dog fouling and Control borough wide.

1. This Order shall come into operation on Monday 20th April 2020 and shall have an effect for 3 years thereafter, unless extended by further order as set out in the Act.

2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that activities carried out in a public place within the authority's area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality

3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Order:-

PROHIBITIONS	REQUIREMENTS	WHEN	AREA AFFECTED
<p><u>Dog Fouling</u></p> <p>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 unless:</p>		<p>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.</p>	<p>This prohibition would be in force across the borough of Doncaster</p>

	<p><u>Leads must be worn</u></p> <p>A person in charge of a dog on the land below must keep the dog on a lead</p> <p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> 1. All cemeteries and churchyards, including green burial areas; 2. All footpaths around lakes and ponds; 3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches. 	<p>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.</p>	<p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> 1. All cemeteries and churchyards, including green burial areas; 2. All footpaths around lakes and ponds; 3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.
	<p><u>Leads by Order</u></p> <p>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.</p> <p>An authorised officer may only give a direction under this</p>	<p>At all times, unless the dog owner (a) has reasonable excuse for failing to do so; or (b) the owner, occupier or other person</p>	<p>This prohibition would be in force across the borough of Doncaster.</p>

	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.	or authority having control of the land has consented (generally or specifically) to his failing to do so.	
<p><u>Dog exclusion areas</u></p> <p>A person in charge of a dog must not take it into, or keep it within a specified or signed area</p>		<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(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.</p>	<p>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.</p>
	<p><u>Means to pick up</u></p> <p>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</p> <p>The obligation is complied with if, after a request from an authorised officer, the person in charge of the</p>	<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having</p>	<p>This prohibition would be in force across the borough of Doncaster</p>

	dog produces an appropriate means to pick up dog faeces.	control of the land has consented (generally or specifically) to his failing to do so.	
<p>Additional notes and definitions for the purpose of the Order</p> <ul style="list-style-type: none"> • 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 Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order. 			

Fixed penalty notices and offences

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the above named Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

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.

Dated:- 20/04/2020