

The Anti-Social Behaviour Crime and Policing Act 2014

Rushcliffe Borough Council Public Spaces Protection Order (Dog Control) 2022

Rushcliffe Borough Council (“the Council”) in exercise of its power under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers, being satisfied that the conditions set out in section 59 of the Act have been met, hereby makes the following Order:

This Order may be cited as the Rushcliffe Borough Council Public Spaces Protection Order (Dog Control) 2022 (“the Order”). This Order takes effect from XX XX 2022.

General Provisions

- A.** Unless stated otherwise, this Order applies to all land in the administrative area of the Council 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.
- B.** A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine upon summary conviction. A person may be offered a Fixed Penalty Notice by way of discharging liability for the offence.

Specific obligations:

1. 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 that time must remove the faeces from the land forthwith unless:

- (a) they have 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 their failing to do so.

2. Means to pick up

A person in charge of a dog on land to which this Order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless:

- (a) they have 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 their failing to do so.

This obligation is complied with if, after a request from a constable or an Authorised Officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

3. Dog on lead in specified areas

1. A person in charge of a dog on land to which Schedule 1 of this Order applies must ensure their dog(s) is kept on a lead unless:
 - (a) they have 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 their failing to do so.
2. A person in charge of a dog(s) on land to which this Order applies must comply with a direction from a constable or an Authorised Officer to put and keep the dog on a lead, unless:
 - (a) they have 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 their failing to do so.

4. Dog exclusion in specified areas

A person in charge of a dog must not take it into or allow it to remain on any land to which Schedule 2 of this Order applies, unless:

- (a) they have a reasonable excuse to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their doing so.

5. Exemptions

Nothing in this Order shall apply to:

- (a) a person who is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or
- (b) a person who is deaf and relies upon a dog trained by Hearing Dogs for Deaf People (registered charity 293358) for assistance.
- (c) a person who has as a disability which affects their 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 he relies for assistance.
- (d) dogs that are being used for work in connection with emergency search and rescue, herding or shepherding animals, law enforcement and the work of the armed forces.

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;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or 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) shall not be a reasonable excuse for failing to remove the faeces;
- An Authorised Officer shall mean a person who is authorised in writing by the Council for the purposes of giving directions under this Order

The COMMON SEAL of
RUSHCLIFFE BOROUGH COUNCIL
was affixed to this Order
in the presence of:

.....
Authorised Signatory

Schedule 1
Dog on Lead Specified Areas

Play Area/Recreation Ground	Post Code	Owner
Specified areas (as signed) at Rushcliffe Country Park	NG11 6JS	Rushcliffe Borough Council

Schedule 2
Dog Exclusion Specified Areas

1. The exclusion applies to:
All children's play areas, multi use games areas, skate parks and gym equipment zones which are either fenced or enclosed.