

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59 - PUBLIC SPACES PROTECTION ORDER

South Gloucestershire (Dog Fouling) Public Space Protection Order 2023

SOUTH GLOUCESTERSHIRE COUNCIL (the Council) in exercise of its powers under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act), being satisfied that the anti-social behaviour arising from people who fail to clean up after their dogs, has or will, have a detrimental effect on the quality of life of those in the locality, makes the following order:

1. 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 that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - a. The owner, occupier or other person or authority, having control of that land has consented to them failing to do so; or
 - b. They have a reasonable excuse for failing to do so.
2. Being unaware of the defecation, or not having suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
3. Placing the faeces in a receptacle on the land which is provided for this purpose shall be a sufficient removal from land.
4. A person in charge of a dog on land to which this Order applies must have, and produce on request from an authorised officer, the appropriate means to pick up dog faeces deposited by that dog.
5. The provisions in this Order do not apply to a dog trained by a registered charity or other qualified person to assist a person with a disability, where that disability prevents them from being able to clean up after their dog. Dogs that provide emotional support are not recognised within the provisions of this Order as assistance dogs and are therefore subject to all requirements.
6. For the purposes of this Order a person will be considered to be in charge of a dog if it normally in their possession, unless at the time some other person is in charge of the dog.
7. This Order applies to all land within the district of South Gloucestershire which is open to the air, including partially covered land, and to which the public are entitled and permitted to have access, with the exception of land that is placed at the disposal of the Forestry Commissioners under section 39 (1) of the Forestry Act 1967.

8. Any person who fails without reasonable excuse to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding Level 3 on the standard scale.
9. A Fixed Penalty Notice may be issued to a person who a constable or authorised person has reason to believe has committed an offence under this order. Payment of the Fixed Penalty discharges any liability to conviction for the offence.
10. An interested person may apply to the High Court to question the validity of this Order, within a period of 6 weeks beginning from the date on which the Order is made.
11. The Order shall come into operation on 17th April 2023 and shall remain in place for a period of 3 years.