

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT

2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by Dacorum Borough Council (the 'Council') and shall be known as the Public Spaces Protection Order (Dog Control) 2019.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

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 notice.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by the Order are:
 - i) Dog Fouling
 - ii) Dog Control
 - iii) Exclusion of Dogs in Specified Areas

THE PROHIBITION

Dog Fouling

5. A person in charge of a dog in any public place within the Borough of Dacorum (excluding National Trust land shown in Schedule 3) must forthwith clear up and remove any faeces deposited by the dog and either take away the faeces or place the faeces in a general litter or dog waste bin.
6. A person in charge of a dog in any public place within the Borough of Dacorum (Schedule 2) must comply with any request from a Constable or a person duly authorised by the Council to clear up and/or remove any faeces deposited by the dog where they have otherwise failed to do so. The faeces must either be taken away or placed in a general litter or dog waste bin.
7. A person in charge of a dog in any public place within the Borough of Dacorum (Schedule 2) must have with them an 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.

Dog Control

8. A person in charge of a dog in any public place within the Borough of Dacorum (Schedule 2) must comply with a direction given to them by a Constable or a person duly authorised by the Council to put and keep the dog on a lead unless:
 - a) they have 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.

Exclusion of Dogs in Specified Areas

9. A person in charge of a dog in a public space within the borough of Dacorum Borough Council is prohibited from allowing the dog to enter the "Dog Exclusion Zones" which include enclosed children's play areas, adventure playgrounds and splash parks (listed in Schedule 1). Dogs are also not permitted within 3 metres of any unenclosed play equipment.

EXCEPTION

10. Nothing in this Order shall apply to a person who –
- a) Is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance: or
 - d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

11. FOR THE PURPOSE OF THIS ORDER

- a) 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 the time of the offence, some other person is in charge of the dog
- b) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- c) The Borough of Dacorum is shown in Schedule 2
- d) A person duly authorised by the Council means an employee, partnership agency or contractor of Dacorum Borough Council who is authorised in writing by Dacorum

Borough Council for the purpose of giving direction under the order.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

12. This Order will come into force at midnight on 29 July 2019 and will expire at midnight on 28 July 2022.
13. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

14. Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse -
 - to do anything that the person is prohibited from doing by a public spaces protection order, or
 - to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

FIXED PENALTY

15. A constable, police community support officer or authorised council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

16. Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.
17. Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.
18. When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated: 13th June 2019



The Common Seal of
Dacorum Borough
Council was affixed in
the presence of:



A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Authorised Signatory

A handwritten signature in black ink, consisting of the letters 'C' and 'A' followed by a flourish.

Authorised Signatory

AREAS AFFECTED BY THE PROPOSED PSPO

Schedule 1- Dog Exclusion Zones

All enclosed children's playgrounds & enclosed skate parks

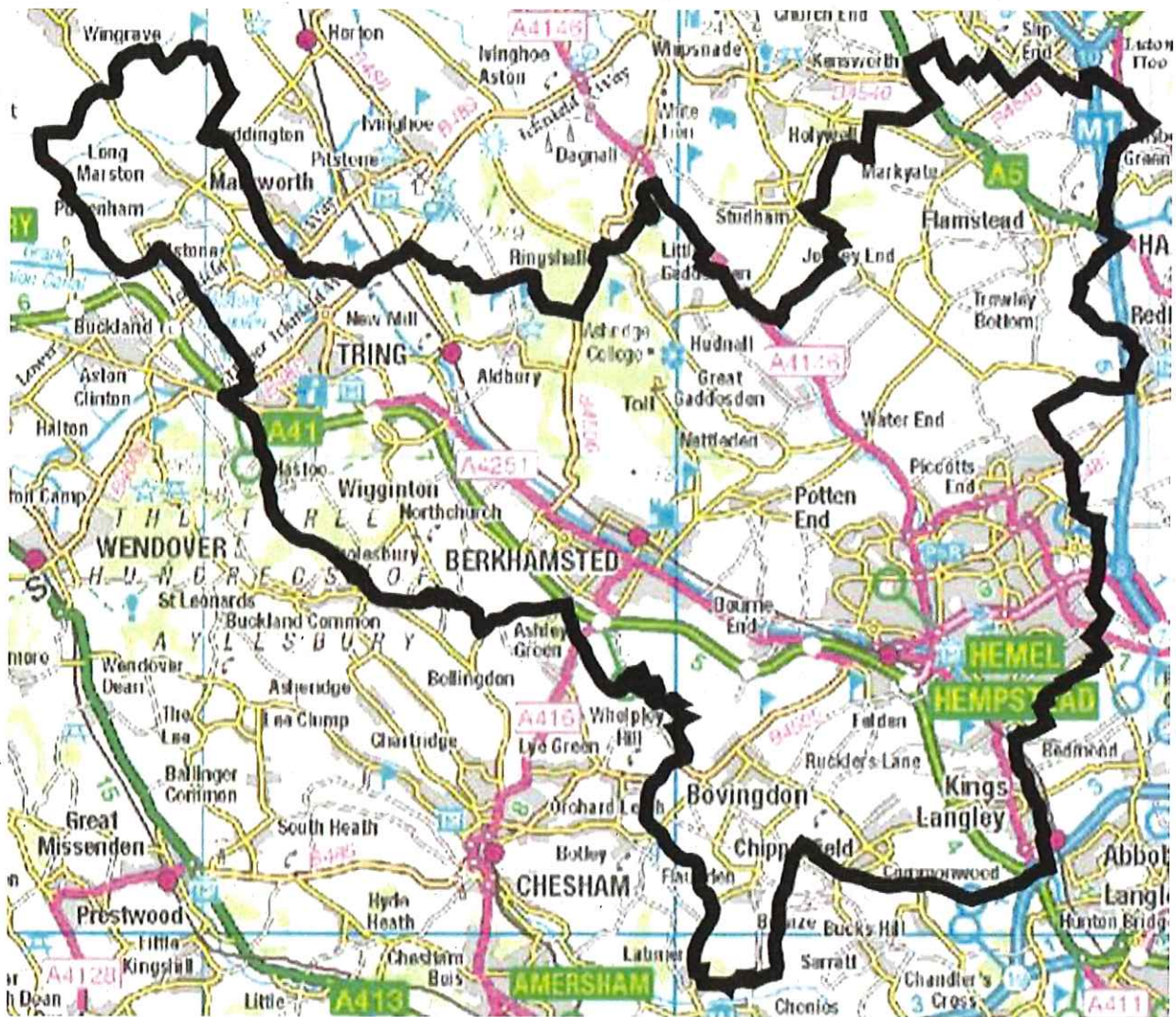
Adventure playgrounds

- Adayfield Adventure Playground, Turners Hill, Hemel Hempstead, Herts, HP2 4LD
- Grovehill and Woodhall Farm Adventure Playground, Redbourn Road, Hemel Hempstead, Herts, HP2 7BA
- Chaulden Adventure Playground, Long Chaulden, Hemel Hempstead, HP1 2HX
- Bennetts End Adventure Playground, Rant Meadow, Hemel Hempstead, Herts, HP3 8EQ

Splash Parks

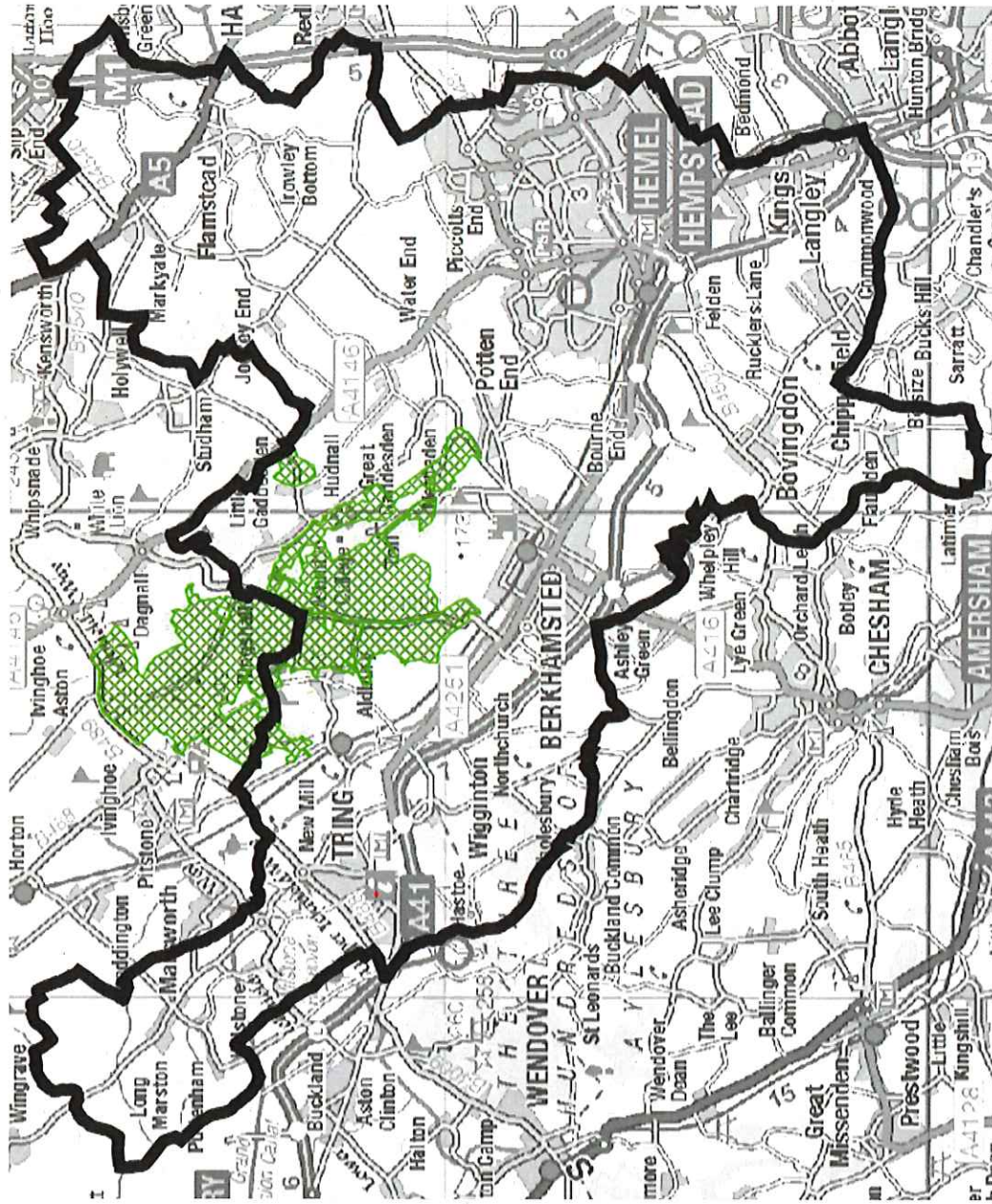
- Gadebridge Park

SCHEDULE 2 – Borough Map corresponding to Prohibition 6, 7 and 8



Schedule 3 : Map corresponding to Prohibition 5 - Whole borough excluding National Trust land

(National Trust land is shaded green)



Larger view of National Trust area.

