



Consultation on Public Spaces Protection Order: Dog Fouling

Proposed Change

South Gloucestershire Council is proposing to use the powers under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 to make a Public Spaces Protection Order (PSPO) in relation to dog fouling. The reason for introducing the PSPO is to update historic enforcement arrangements.

It is proposed to extend the land types on which people have to clear up after their dogs so it applies to all land open to the air which the public have access to. Currently we do not enforce against dog fouling on Commons, woodland, farmland or heathland. Owners or occupiers of land are able to exclude land under their control from this Order. The Order will not cover land that is managed by the Forestry Commissioners due to existing legislation exempting these areas from dog control orders.

An exemption from the PSPO would apply in relation to assistance dogs trained by a registered charity where the disability affects the person's ability to clean up after their dog.

Breach of the PSPO is an offence, which can result in fine of up to £1000 if convicted. The Council may offer a Fixed Penalty Notice instead of prosecution. It is proposed that the amount of the Fixed Penalty Notice is £100, reduced to £75 for prompt payment. £100 is the maximum level that a Fixed Penalty Notice can be set at.

We are also consulting on a proposal to give authorised officers the power to require a person in control of a dog to demonstrate that they have the means to clear up after their dog(s). This is a new power to assist with tackling dog fouling concerns. Authorised officers may approach dog owners and request them to produce suitable means of removing dog fouling and transporting it to a suitable bin. Dog walkers will be expected to show they have bags or other means of clearing up, even if the dog

hasn't defecated at that time. If they cannot do this, and they are not exempt from the PSPO, they will have committed an offence.

By law, a PSPO can remain in force for up to three years. If still required, it can be extended for a further period of three years.

The draft PSPO can be seen at the end of this document

How to have your say

This consultation is open from 29th November 2018 until **Friday 11th January 2019**. Please ensure all responses reach us by this date.

- Visit our webpage: <https://consultations.southglos.gov.uk/consult.ti/PSPO19/> to see the Initial Equalities Impact Analysis and Assessment on how different groups of residents might be affected and complete the online survey
- Pick up a paper copy of the survey from libraries or One Stop Shops, or download and print a copy then post it to us at the below address. If you would like to avoid using a stamp, freepost address envelopes are available at your local library
- Write to: South Gloucestershire Council, Corporate Research & Consultation Team, Council offices, Badminton Road, Yate, BRISTOL, BS37 5AF.
- Email: consultation@southglos.gov.uk
- Telephone: 01454 868154

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59 - PUBLIC SPACES PROTECTION ORDER

South Gloucestershire (Dog Fouling) Public Space Protection Order 2019 **(Draft)**

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 to assist a person with a disability, whose disability prevents them from being able to clean up after their dog.
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 (date to be confirmed) and shall remain in place for a period of 3 years.