

**THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE (DOG FOULING OF LAND)
PUBLIC SPACES PROTECTION ORDER 2017**

**SECTION 59
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (“the Act”)**

The Council of the Borough of North Tyneside (“the Authority”) being satisfied that:-

- Dog faeces which are not removed from land forthwith (“the activity”) in public places within the Borough has had a detrimental effect on the quality of life of those in the locality and/or
- It being likely that the activity will be carried on in public places and that it will have such an effect.

And being satisfied that the effect or likely effect of the activity

- a) Is, or is likely to be, of a persistent or continuing nature
- b) Is, or is likely to be, such as to make the activity unreasonable; and
- c) Justifies the restrictions imposed by this Order

And pursuant to the requirements of section 72 of the Act the Authority:-

- a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention of Human Rights; and
- b) Having carried out the necessary consultation, notification and publicity

MAKES this Public Spaces Protection Order under section 59 of the Act

1. This Order applies to all public land within the boundary of the Council of the Borough of North Tyneside which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
2. This Order may be cited as The Council of the Borough of North Tyneside (Dog Fouling of Land) Public Spaces Protection Order 2017 and shall come into force on 20 October 2017 for a period of 3 years unless extended by further Order.

EFFECT OF THE ORDER

The effect of this Order is to impose the following requirements on the use of public land within the boundary of the Council of the Borough of North Tyneside to which this Order applies at all times:-

- a) If a dog defecates at any time within a public space to which this Order applies the person in charge of the dog must remove the faeces from the land forthwith unless he or she has a “reasonable excuse” for failing to do so or the owner, occupier or other person or authority having control of the land has consented (generally and specifically) to his or her failing to do so.
- b) 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.

EXCEPTIONS

Nothing in this Order shall apply to a person who relies upon a dog trained by a prescribed charity and such person:-

- a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) Is deaf; or
- c) Has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects.

OFFENCE

It is an offence for a person without reasonable excuse to fail to comply with the requirements imposed on him/her by this Order and on conviction is liable to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY NOTICE

A Constable or Authorised Person may issue a Fixed Penalty Notice to anyone he or she has reason to believe has committed an offence by failing to comply with requirements imposed on him or her by this Order. A person served with a Fixed Penalty Notice will have 21 days to pay the fixed penalty of £100. If a person pays the Fixed Penalty within 14 days the fixed penalty will be reduced to £75.00. If payment of the Fixed Penalty is made a person will not be prosecuted.

GENERAL

For the purposes of this Order:-

A 'public place' means any place 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.

An 'Authorised Person' means an employee of the Authority, person designated by the Authority to act on its behalf or a Police Community Support Officer.

Each of the following is 'prescribed charity':-

- Dogs for the Disabled (registered charity number 700454)
- Support Dogs Limited (registered charity number 1088281)
- Canine Partners for Independence (registered charity number (803680)
- Dog A.I.D (registered charity number 1092960)
- Guide Dogs (registered charity number 209617)
- Hearing Dogs for Deaf People (registered charity number 293358)

CHALLENGING THE VALIDITY OF THE ORDER

An interested person may challenge the validity of this Order by applying to the High Court within 6 weeks of it being made. The grounds on which such an application can be made are:-

- That the Authority did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order, or

APPENDIX 3

- That a requirement under the legislation in relation to the Order has not been complied with, for instance, that no consultation was undertaken.

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 total. The High Court may uphold the Order, quash it or vary it.

Dated

2017

The Common Seal of the Council of the
Borough of North Tyneside was hereunto
Affixed in the presence of:-

Head of Law and Governance