

SOUTH RIBBLE BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

**THE FOULING OF LAND BY DOGS IN THE BOROUGH COUNCIL OF SOUTH RIBBLE
PUBLIC SPACE PROTECTION ORDER 2017**

South Ribble Borough Council ("the Council") under Part 4, Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Order:

1. This Order comes into force on the 3rd November 2017 for a period of three years
2. This Order supersedes the following:
The Fouling of Land by Dogs in the Borough of South Ribble Order 2009
3. This Order applies to the public places specified in the Schedule below ("the Restricted Area")
4. The Council is satisfied that the two conditions set out in Section 59 of the Act have been met, in that:

(1) activities carried on in the Restricted Area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;

(2) 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 Order.

OFFENCE

5. (1) If a dog defecates at any time on any land in the Restricted Area and a person who is in charge of the dog at any time fails to remove faeces from the land forthwith, the person shall be guilty of an offence unless:
 - (a) he has 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 his failing to do so; or
- (2) Nothing in this article shall apply to a person who:
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination 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.
- (3) For the purposes of this article:
 - (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 that time some other person is in charge of the dog;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

- (c) 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;
- (d) each of the following is a prescribed charity:
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680).

PENALTY

- 6. By virtue of section 67 of the Act a person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

FIXED PENALTIES

- 7. By virtue of section 68 of the Act a constable or authorised person of the Authority may issue a fixed penalty notice not exceeding £100 to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to this Order

APPEALS

- 8. Any challenge to this Order must be made at the High Court within six weeks of the Order being made, and must be by an individual who lives in, regularly works in or visits the Restricted Area.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the 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.

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.

SCHEDULE

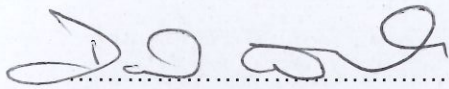
Description of public places to which order applies

This Order applies to all public places within the administrative area in the Borough of South Ribble and which is:

- (i) Open to the air on at least one side and to which the public are entitled or permitted to have access (with or without payment) within the Borough of South Ribble including but not limited to parks, public open spaces and highways in the area.
- (ii) Access Land within the meaning of S1(1) Countryside and Rights of Way Act 2000 including, but not limited to, Longton Brickcroft Nature Reserve and Access Land to Longton Marsh (shown edged red for identification purposes on the plans attached hereto).

IN WITNESS whereof the Council have caused the Common Seal of the South Ribble
Borough Council to be hereunto fixed this...3rd.....day of..November..2017

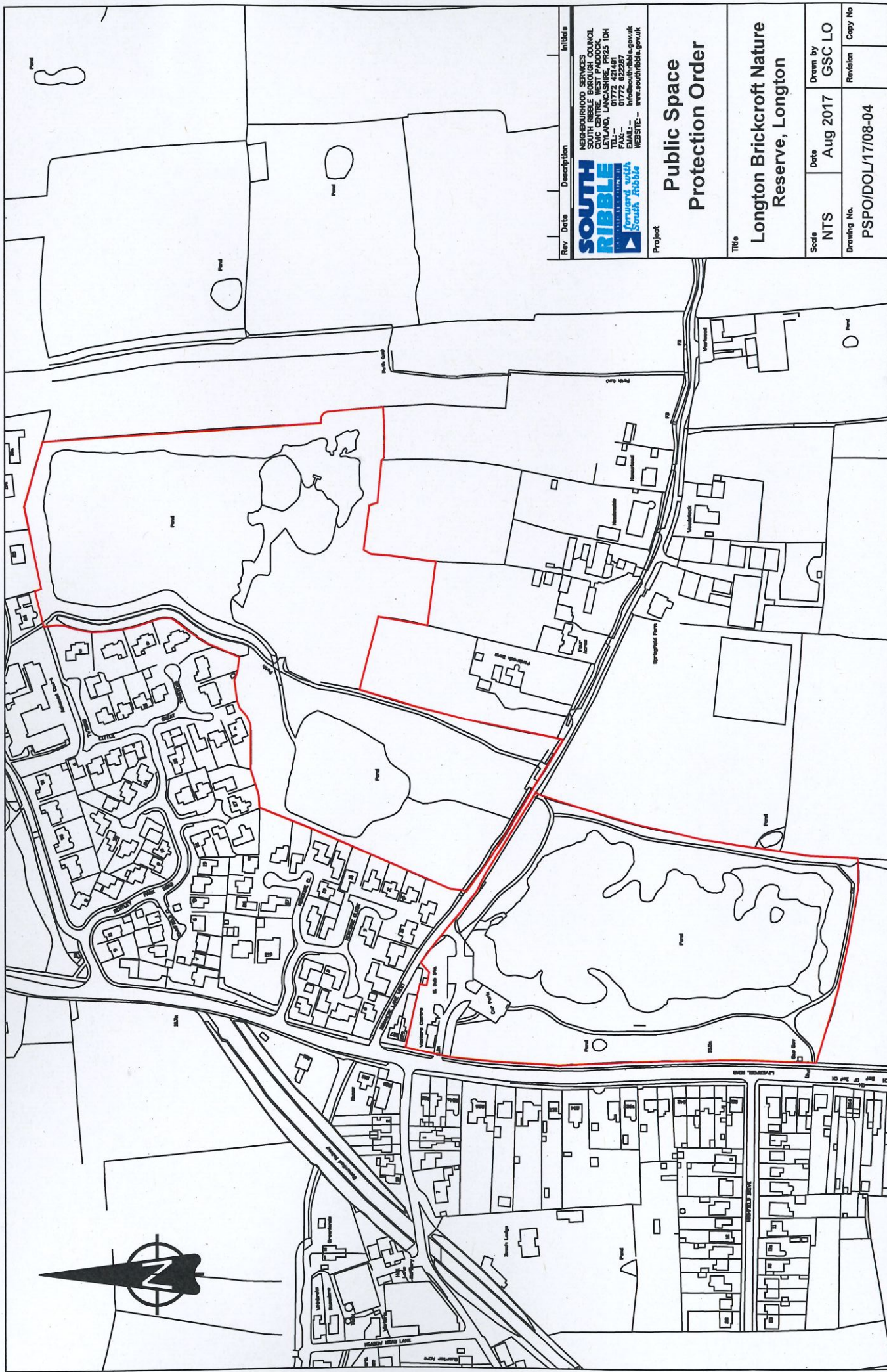
EXECUTED AS A DEED by
SOUTH RIBBLE BOROUGH COUNCIL
by affixing its Common Seal
the day and year first written above



.....
Authorised Signatory



55907



Rev	Date	Description	Initials

SOUTH RIBBLE NEIGHBOURHOOD SERVICES SOUTH RIBBLE BOROUGH COUNCIL Civic Centre, West Padstock Lancashire, LA1 1JH TEL: 01772 431481 FAX: 01772 822287 EMAIL: info@southribble.gov.uk WEBSITE: www.southribble.gov.uk	Project Public Space Protection Order
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Title Longton Brickcroft Nature Reserve, Longton

Scale NTS	Date Aug 2017	Drawn by GSC LO
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Drawing No. PSPO/DOL/17/08-04	Revision	Copy No.
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Rev	Date	Description	Initials
SOUTH RIBBLE NEIGHBOURHOOD SERVICES SOUTH RIBBLE BOROUGH COUNCIL 100, SOUTH RIBBLE, LIVERPOOL, L35 9EF TEL: 01772 421461 FAX: 01772 422267 EMAIL: info@southribble.gov.uk WEBSITE: www.southribble.gov.uk			
Project			
Public Space Protection Order			
Title			
Access Land at Longton Marsh West of The Dolphin PH			
Scale	Date	Drawn by	
NTS	Aug 2017	GSC LO	
Drawing No.		Revision	Copy No
PSPO/DOL/17/08-05			