

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**SECTION 59
PUBLIC SPACES PROTECTION ORDER**

THE BEDFORD BOROUGH COUNCIL

**EXTENSION OF THE
DOG CONTROL PUBLIC SPACES PROTECTION ORDER 2016
AS VARIED**

The Bedford Borough Council Dog Control Public Spaces Protection Order 2016 (“the 2016 Order”) was made by the Bedford Borough Council (“the Council”) on 27th July 2016 and was varied as follows:

1. from 22nd November 2017 to add restricted areas; and
2. from 20th April 2018 to remove any discount for early payment of a fixed penalty notice.
3. from 27th July 2019 to extend the term of the order to 26th July 2022

The 2016 Order, as varied, is hereby further varied by

- (a) adding further areas detailed in part 2 of Schedule 1 and part 2 of Schedule 2 which are subject to the restrictions detailed below; and
- (b) extending the term of the 2016 Order, as varied from 27th July 2022 to 26th July 2025

in each case because the Council is satisfied on reasonable grounds that activities of the nature specified in the restrictions below have been carried out, or are likely to be carried out in a public place in the administrative area of the Council and:

- Are having a detrimental effect on the quality of life of those in the locality, or
- It is likely that those activities will be carried out in a public place within that area that will have such an effect
- The effect or likely effect of those activities is or will be persistent or continuing in nature, and
- Are such as to justify the restrictions to be imposed.

THE DOG CONTROL AREAS

The 2016 Order came into force from 27th July 2016 and, as varied, applies the restrictions listed below to:

- (i) **all land in a public place within the administrative area of the Council as specified below in respect of restrictions a)iii and a)iv; and**
- (ii) **those sites detailed in parts 1 and 2 of Schedule 1 in respect of restriction a)i; and**
- (iii) **those sites detailed in parts 1 and 2 of Schedule 2 of this Order in respect of restriction a)ii**

a) RESTRICTIONS

i. Dogs Exclusion: (applies to those sites listed in Schedule 1)

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 1 below.

ii. Dogs on Leads: (applies to those sites listed in Schedule 2)

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in Schedule 2 below he does not keep the dog on a lead.

iii. Dogs on Leads by Direction: (applies to any part of the administrative area of the Borough)

A person in charge of a dog shall be guilty of an offence if, at any time, on land in a public place within the administrative area of the Council he does not comply with a direction given to him by an authorised officer to put and keep the dog on a lead, for such duration and in such manner as specified by the authorised officer.

iv. Fouling of Land by Dogs: (applies to any part of the administrative area of the Borough)

If a dog defecates at any time on land in a public place within the administrative area of the Council and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- a) he has 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.

Nothing in the restrictions set out at (i), (ii) (iii) and (iv) above 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, where the offence is in relation to a dog upon which that person relies and which has been trained by a prescribed charity for assistance.

or:

- b) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects in relation to a dog upon which that person relies and which has been trained by a prescribed charity for assistance.

For the purpose of this Order –

- “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
- 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;
- 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;
- 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
- “Authorised officer” means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order.
- Each of the following is a "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)

b) PERIOD FOR WHICH THE ORDER HAS EFFECT

The 2016 Order ,as varied, is extended from 27th July 2022 to 26th July 2025.

At any point before the expiry of the aforementioned extended period the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time, subject to there being reasonable grounds to support such a decision.

c) WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014 states:

- 1) It is an offence for a person without reasonable excuse:
 - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

FIXED PENALTY

An authorised officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within 14 days you will not be prosecuted.

APPEALS

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.

Interested persons can challenge the validity of this Order on two grounds, (i) that the Council does not have the power to make the Order or to include particular prohibitions or requirements; or (ii) 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.

Dated:

The Common Seal of
Bedford Borough Council
was hereto affixed in the presence of

[seal]

Signed:

Authorised Officer