

East Cambridgeshire District Council

The Anti-social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order Dog Fouling

1. East Cambridgeshire District Council ("the council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and under all other enabling powers, makes the following Order known as:

East Cambridgeshire District Council Public Space Protection Order Dog Fouling 2018

2. The Order applies to all public places in East Cambridgeshire District Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas. For this purpose, a 'public place' means any land to which the public has access, on payment or otherwise, as of right, or by virtue of express or implied permission.

3. The Council, on making this order, is satisfied on reasonable grounds that:

(i) the activities identified below have had detrimental effect on the quality of life of those in the locality

(ii) 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.

4. The order shall come into force on 12th September 2018 for a period of up to 3 years.

DOG FOULING

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 the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence, unless –

(i) that person has a reasonable excuse for failing to do so; or

(ii) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

(iii) *that person is subject to the exemptions listed in Schedule 1*

PENALTY

Any breach of this Order is a criminal offence and will result in a Fixed Penalty Notice of £80 to be paid within 21 days. Failure to pay will lead to, upon summary conviction, a fine not exceeding level 3 on the standard scale.

Schedule 1

EXEMPTIONS

1. For the purpose of this order –

A person who being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or other means of removing the faeces shall not be reasonable excuse for failing to remove the faeces

2. Nothing in this order shall apply to a person who-

(i) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or

(ii) is deaf, in respect of a dog Trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance (dogs must be clearly marked as assistance dogs); or

(iii) has a disability which affects that person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance (dogs must be clearly marked as assistance dogs)

3. Each of the following is a prescribed charity-

(i) Dogs for Good (registered charity number 1092960) - formally Dogs for the Disabled

(ii) Support Dogs Limited (registered charity number 1088281)

(iii) Canine Partners for Independence (registered charity number 803680)

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.

A copy of the Order may be obtained by contacting the address below:-

envirocrime@eastcambs.gov.uk telephone: 01353 665555 or in writing, to Environmental Services (Envirocrime Team) or in writing to Environmental Services (Envirocrime Team), Nutholt Lane, Ely, CB7 4EE. This Order can also be seen at www.eastcambs.gov.uk

THE COMMON SEAL OF EAST
CAMBRIDGESHIRE DISTRICT COUNCIL

was hereby affixed the 2nd day of
October 2018 in the presence of:



Legal Services Manager/~~Chief Executive~~



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