

Bridgend County Borough Council
Public Spaces Protection Order (Dog Control)

Bridgend County Borough Council ('the Council') hereby makes the following Public Spaces Protection Order ('the Order') in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') and all other enabling powers:-

1. The Order may be cited as the Bridgend County Borough Council Public Spaces Protection Order (Dog Control) (Date tbc)
2. The Order shall come into operation on the (Date tbc)_and will remain in force for a period of 3 years unless varied or discharged or extended by further order under the Council's statutory powers.
3. The Order relates to all public spaces throughout the Bridgend County Borough and is specified on the attached plan ("the Restricted Area"). This is land to which the Anti-social Behaviour, Crime and Policing Act 2014 applies and is protected by the making of the Order.

Introduction

4. People who fail to clean up after their dogs on publicly accessible land cause nuisance to others. The presence of dog faeces is a potential hazard to all members of the public, it presents a risk to health, defaces land and has the potential to deface people and their property.
5. When not properly supervised and kept under control, dogs that are allowed off a lead in public areas may cause road traffic accidents and may cause nuisance or injury to members of the public and to other animals.
6. There are certain locations, which because of their use, dog faeces pose a particularly high level of concern. These are typically children's play areas, marked sports pitches and school / leisure centre grounds.
7. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely that anti-social behaviour and criminal activities have been carried out within the Restricted Area and that these activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
8. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature and that these activities are unreasonable and justify the restriction imposed by the Order

and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Requirements of the Order

9. The effect of the Order is to impose the following conditions:-
 - a) A requirement for person(s) within the Restricted Area to collect and dispose of the faeces of dogs within their control by removing it and depositing the dog faeces in a bag which should be left in a litter bin or taken home
 - b) A requirement for person(s) within the Restricted Area who have dogs within their control to carry bags or other suitable means for the collection of dog faeces
 - c) A requirement for person(s) within the Restricted Area to place dogs in their control on a lead when requested to do so by an Authorised Officer. The Authorised Officer must specify the location and duration covered by a direction given under Paragraph 6 (C) of the Order
10. Should any of the above requirements not be met, it will constitute an offence as set out in Article 11 below, unless the person(s) can show that there is a reasonable excuse for failing to do so, or, the owner, occupier, or other person with authority or control of the land has consented (generally or specifically) to the person(s) failing to do so.

Offences

11. In accordance with Section 67 of the Anti-social behaviour, Crime and Policing Act 2014, 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 the person is subject under a public spaces protection order
12. 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.

Fixed Penalty Notices

13. In accordance with Section 68 of the Anti-social behaviour, Crime and Policing Act 2014, an authorised person may issue a fixed penalty notice to

anyone he or she has reason to believe has committed an offence under section 67 in relation to a public spaces protection order.

14. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
15. Where a person is issued with a notice under this section in respect of an offence—
 - (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

Exemptions

16. The provisions of the Order do not apply to:-
 - a) A disabled person(s) as defined by the Equality Act 2010 where the person(s) suffers from a disability which would prevent them from complying with the requirements of the Order.
 - b) A dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.
 - c) A working dog for purposes of law enforcement, military duties, agriculture or statutory emergency services (e.g. search and rescue).
17. Where a person(s) in charge of a dog wishes to rely upon any of the exemptions set out in the Order, the burden will be on that person to prove that they satisfy the requirements of the exemptions being relied upon.

Appeals

18. Any challenge to the 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 any of the areas affected by the Order. 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.
19. Interested persons can challenge the validity of the Order on two grounds: that the Council did not have power to make the Order, or to include

particular prohibitions or requirements; or that a requirement of the legislation was not complied with in relation to the Order.

THE COMMON SEAL OF BRIDGEND COUNTY BOROUGH COUNCIL

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