

HARTLEPOOL BOROUGH COUNCIL

*Hartlepool Borough Council has under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014, extended the original PSPO (created in 2020) for a period of a further 3 years. The Order as extended will expire on 17<sup>th</sup> October 2026.*

*A report was presented to Members of the Neighbourhood Services Committee and this decision was approved on 5/10/23.*

DOG CONTROL PUBLIC SPACES PROTECTION ORDER 2020

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (PART 4 CHAPTER 2 SECTIONS 59-75)

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

1. This Order may be cited as the "Hartlepool Borough Council (Dog Control) Public Spaces Protection Order 2020" ('the Order') and applies to the public places described in the Schedules to the Order and shown on the plans attached to the Order ("the restricted areas").
2. In making this Order the Council is satisfied on reasonable grounds that:-
  - (i) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and they will have such an effect;
  - (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.
3. The Council is also satisfied that the prohibitions and requirements set out within this Order are reasonable:-
  - (i) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
  - (ii) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
4. This Order comes into force on 18<sup>th</sup> October 2020 and shall have effect and remain in force for a period of three years from that date.

5. Before the expiry of this Order the Council may extend, vary or discharge it in accordance with the provisions of the Act.
6. The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times:-
  - (i) FOULING OF LAND BY DOGS
    - (a) If a dog defecates at any time on land in the restricted area detailed in **Schedule 1** of this Order the person who is in charge of the dog at the time must remove the faeces from the land forthwith, 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.
    - (b) For the purposes of this article:-
      - (i) a person who habitually has a dog in their 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;
      - (ii) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
      - (iii) 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.
  - (ii) MEANS TO PICK UP
    - (a) A person in charge of a dog on land in the restricted area detailed in **Schedule 4** must have with them appropriate means to pick up dog faeces deposited by that dog 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; or
    - (b) The obligation in Article 6 (ii) (a) is complied with if, after a request from an authorised officer of the Council, the person in charge of the dog produces an appropriate means to pick up dog faeces.
    - (c) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(d) In this article of the Order an 'authorised officer of the Council' means a person who is authorised in writing by the Council for the purpose of giving directions under this article.

(iii) DOGS EXCLUDED – YEAR ROUND PROHIBITION

(a) A person in charge of a dog must not take that dog onto, or permit the dog to enter or to remain on land within the restricted area referred to in **Schedule 6 (C4 – C32)** of this Order unless:-

(i) that person has reasonable excuse for doing so; or

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

(b) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(iv) DOGS EXCLUDED – SEASONAL PROHIBITION

(a) A person in charge of a dog must not take that dog onto, or permit the dog to enter or to remain on land within the restricted area during the dates referred to in **Schedule 6 (C1, C2 and C3 only)** of this Order unless:-

(i) that person has reasonable excuse for doing so; or

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

(b) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(v) DOGS ON LEADS

(a) Any person in charge of a dog, at any time, must put and keep the dog on a lead in the restricted area detailed in **Schedule 5**, unless :-

(i) that person has 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 not doing so.

(b) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(vi) DOGS ON LEADS BY DIRECTION

(a) Any person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in the restricted area detailed in **Schedule 2**, unless:-

(i) that person has 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 not doing so.

(b) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(ii) an authorised officer of the Council may only give a direction under this article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any other animal or bird on any land to which this article applies.

(iii) in this article, an “authorised officer of the Council” means a person who is authorised in writing by the Council for the purpose of giving directions under this article.

(vii) DOG LEAD LENGTH

(a) Any person in charge of a dog, at any time, in a restricted area detailed in **Schedule 7** must put their dog on a lead that must have a maximum length of no more than 1.5 metres unless :-

(i) that person has 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 not doing so.

(b) For the purpose of this article:-

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(viii) MAXIMUM NUMBER OF DOGS

- (a) The maximum number of dogs that any one person shall take onto a restricted area detailed in **Schedule 3** shall be four, unless –
- (i) he 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 his doing so.

7. PENALTY

- 7.1 Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at articles 6 (i), 6(ii), 6(iii), 6(iv), 6(v), 6(vi), 6(vii), 6(viii) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

8. FIXED PENALTY

- 8.1 A constable, Police Community Support Officer or authorised person of the Council may issue a fixed penalty notice to any person he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100, failing which they may be prosecuted.
- 8.2 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 the Council.
- 8.3 Where a person is issued with a fixed penalty notice under this Order:-
- (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.

9. APPEALS

- 9.1 Any challenge to this Order must be made to the High Court by an interested person within 6 weeks of it being made or varied. 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 right to challenge.
- 9.2 Interested persons can challenge the validity of the Order on two grounds:-

(i) that the Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order; or

(ii) that a requirement under the legislation for the making or varying an Order has not been complied with.

9.3 When an application is made, the High Court can decide to suspend the operation of the Order, or any of the prohibitions or requirements imposed by the Order, until the final determination of the proceedings.

9.4 The High Court has the ability to uphold the Order, quash it or vary it.

Signed .....

Name .....

Date .....

## **SCHEDULE A**

### **“Public Place” in this Order means any place which is:-**

- (i) open to the air (which includes land which is covered but open to the air on at least one side); and
- (ii) to which the public or any section of the public are entitled or permitted to have access (on payment or otherwise), as of right or by virtue of express or implied permission.

### **Exemptions - Nothing in this Schedule applies to a person who:-**

- (iii) is registered as a blind person in a register compiled under section 29 of The National Assistance Act 1948; or
- (iv) has a disability which affects their 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 they rely for assistance.

### **For the purpose of this Schedule, each of the following is a “prescribed charity”:-**

- (v) Dogs for the Disabled (registered charity number 700454);
- (vi) Support Dogs (registered charity number 1088281); and
- (vii) Canine Partners for Independence (registered charity number 803680).