

Norwich City Council (Fouling of Land by Dogs) Public Spaces Protection Order No. 2 of 2021

1. This Public Spaces Protection Order is made by Norwich City Council of City Hall, St Peter's Street, Norwich, Norfolk (hereinafter called "the Council") in accordance with section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, (hereinafter called "the Act").
2. The Council is satisfied upon reasonable grounds that anti-social behaviour where a person who is in charge of a dog fails to remove the dog's faeces forthwith from land has been carried on or is likely to be carried on within the public places mentioned in this Order, that this activity has had or is likely to have a detrimental effect on the quality of life of those in the locality and further, that the effect or likely effect of this activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activity unreasonable and justifies the restrictions imposed by this Public Spaces Protection Order (hereinafter called "the order").
3. This Order is made by the Council in exercise of its powers under section 59 of the Act.
4. This Order applies to the land as specified in the Schedule to this Order.
5. Subject to paragraph 6 below, it is a requirement of this Order that if a dog defecates at any time on land to which this Order applies then the person in charge of the dog at that time shall remove the faeces from the land forthwith. If the person in charge of the dog fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - (a) they have 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 (either generally or specifically) to their failing to do so.
6. Nothing in paragraph 5 above shall apply to a person who:-
 - (a) is a registered blind person; or

- (b) has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift or carry or otherwise move every-day objects in respect of a dog trained by a prescribed charity and upon which he or she relies for assistance.

7. For the purposes of this Order:-

- (a) 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 another 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 (either by means of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) a member of Assistance Dogs UK is a prescribed charity.

8. This Order is in effect on 1st May 2021 and continues for a period of three years from that date unless extended under section 60 of the Act.

9. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level three on the standard scale.

10. A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the Council does not have power to include in the public spaces protection order.

11. This Order may be cited as the Norwich City Council (Fouling of Land by Dogs) Public Spaces Protection Order No.2 of 2021.

Schedule:

This Order applies to the following public places:

- (i) Any land within the administrative area of Norwich City Council which is 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, and includes all footpaths, byways, carriageways and adjoining footways and verges, and public open spaces, parks and public recreation grounds.

Challenging the Validity of Orders:

An interested person may apply to the High Court to question the validity of this Order or a future variation of this Order.

"Interested Person" means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within 6 weeks from the date on which the order is made, on the grounds that:-

- (a) the Council did not have the power to make the order or variation, or to include particular prohibition requirements imposed by the order (or by the order as varied);
- (b) a requirement under chapter 2 of the Act was not complied with in relation to the order or variation.

The Corporate Seal of The City of Norwich was hereunto affixed this
.....26.....day of ...May.....2021

Before me (signature)

Authorised Signatory

Annabel Scholes - Executive Director of
corporate and commercial services
(SIS officer)

