

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

HEREFORDSHIRE COUNCIL - PUBLIC SPACES PROTECTION ORDER (DOG CONTROL)

This Public Spaces Protection Order shall come into effect on ??? for a period of three years

Herefordshire Council ("the council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers being satisfied that the conditions set out in Section 59 of the Act have been met and hereby makes the following order:

1. FOULING OF LAND BY DOGS:

(1a) This part of the Order applies to all public places in the County of Herefordshire.

For these purposes, a "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.

Offence

(1b) If a dog defecates at any time on the land to which this Order applies 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.

(1c) Nothing in this part applies to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
- (c) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals;

(1d) For the purpose of this section –

- (a) 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;
- (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 (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;
- (d) each of the following is a "prescribed charity" –
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803 680)

2. DOGS ON LEADS

(2a) This Order applies to the following land

Hereford Cemetery and Hereford Crematorium Grounds, Westfaling Street, Hereford
Kington Cemetery, Eardisley Road, Kington
Leominster Cemetery, Old Hereford Road, Leominster
Wigmore Cemetery, Wigmore
Commercial Road Old Burial Ground, Hereford
Dorstone Churchyard and Church Extension
St Nicholas Old Burial Ground, Hereford
St Peter's Church, Burial Ground, Lugwardine

Offence

- (2b) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead unless –
 - (a) he has a reasonable excuse for failing to do so: or
 - (b) the owner, occupier or other person or authority having control of the land has consent (generally or specifically) to failing to do so.
- (2c) For the purpose of this part a person who habitually has a dog in this 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.
- (2d) Nothing in this part applies to a person who –
 - a) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with

emergency search and rescue, law enforcement and the work of Her Majesty's armed forces;

3 THE DOGS ON LEADS BY DIRECTION:

(3a) This Order applies to all land which is within the administrative area of the Herefordshire Council and which is -

(i) Open to the air (which includes land that is covered but open to the air on at least one side); and

(ii) to which the public are entitled or permitted to have access with or without payment.

Offence

(3a) A person in charge of a dog shall be guilty of an offence, if at any time, on any land to which this Order applies, he does not comply with a direction given by an authorised officer of the Authority to put and keep a dog on a lead unless -

(a) he has a reasonable excuse for failing to do so: or

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

(3b) For the purpose of this article -

(a) a person who habitually has a dog in this 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.

(b) an authorised officer of the Authority may only give a direction under this Order 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 (on any land to which this Order applies) or the worrying or disturbance of any animal or bird.

(c) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals;

4 THE DOGS EXCLUSION

(4a) This order applies to all enclosed children's play areas, Enclosed Multi Use Games Areas, and Areas Used for some other sporting or leisure purpose within the administrative area of the Herefordshire Council

Enclosed Children's Play areas including the following:-

Abbeyfields, Canturbury Close, Hereford
Bartestree Childrens Play area in Sports Field
Battlebridge Close, Leominster
Beaumont Gardens Infants Area, Hereford
Beech Close, Ross-on-Wye
Benjamin Park Play Area
Berryfields Play Area Woolhope Ross-on-Wye
Bodenham Village Green Play Area
Browning Road, Infants Play Area, Ledbury
Broxash Drive Childrens Play Area
Bye Street, Ledbury
Cannon Pyon Playing Fields, Cannon Pyon
Childerway, Open Space, Ledbury
Coldstone Cross, Kingstone
Corporation Farm, Open Space
Credenhill Recreation Ground, Credenhill
Dorchester Way, Belmont
Dovecote Lane, Credenhill
Frome Park, Bartestree
Godiva Road (28), Leominster
Godiva Road (135), Leominster
Grammar School Close, Ross- on-Wye
Grandstand Road Park, Children's Play Area, Hereford
Haylease Crescent
Huntsmans Drive Open Space, Hereford
Huskinson Drive, Hereford
John Lee Road, Ledbury
Kenilworth Close, Hereford
King George V Playing Fields childrens play area, Hereford
Kingsmeadow, infants play area, Wigmore
Lowfield Meadow, Kingstone
Luard Walk, Hereford
Mayberry Avenue
Meridian Grange, Withington
Monkland Estate, Leominster
New Mills Open Space Infants play area, Ledbury
Oak Tree Rise, Ross-on-Wye
Oldfields Close, Leominster
Old School Lane Open Space, Hereford
Pentland Gardens, Hereford (Cotswold Drive)
Prince Rupert Road, Ledbury
Queenswood Country Park
Roman Way, Ross on Wye
Rope Walk children's play area, Ross-on-Wye
Seven Sites playing field play area, Kingstone
St. Clares Croft, Hever Road, Hereford
St. Peters Close, Moreton-on-Lugg

St Nicholas Gate, Open Space, Hereford
Sydonia, Childrens play area, Leominster
Tarrington Village Hall
The Grange, Leominster
The knapp, Bromyard
The Mallards, Leominster
The Maltings, Dormington
Tower Road Open Space, Hereford
Tupsley West Children's play area, Gorsty Lane, Hereford
Verschoyle Gardens, Ross-on-Wye
Wentworth Park
Westfaling Street Children's Play area, Hereford
Westfaling Street Tennis Court, Hereford
Whittern Way, Hereford
Withies Close, Withington
Yeomans Close Open Space, Ledbury

Enclosed Multi Use Games Areas

Beaumont Gardens Multi Games Area, Hereford
Grandstand Road Park Tennis Courts, Hereford
Grandstand Road Park, Basket Ball Court, Hereford
Newton Farm, Waterfield Road, Hereford
Tupsley West Basket Ball Court, Gorsty Lane, Hereford
Westfaling Street Open Space

Areas Used for some other sporting or leisure purpose

Bishops Meadows, Tennis and Putting Green.
Castle Green, Bowling Green, Hereford
Dorstone Play area and Bowling Green, Dorstone
Peterchurch Recreation Field, Peterchurch
Sydonia, Skate Park Leominster

(4b) This Part of the Order applies to all enclosed children's play areas in the County of Herefordshire that are open to the air. For these purposes land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

(4c) For the purposes of this part of the Order:-

(a) A "children's play area" is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus.

(b) A children's play area is "enclosed", if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the play area.

(c) An enclosed Multi Use Games Area is "enclosed", if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the area.

Offence

- (4d) 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 to which this Order applies unless –
- (a) he has a reasonable excuse for failing to do so: or
 - (b) the owner, occupier or other person or authorised having control of this land has been consented (generally or specifically) to his failing to do so.
- (4e) Nothing in this part applies to a person who –
- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948: or
 - (b) is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance: or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to turn left, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
 - (d) Nothing in this part shall apply to dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces;
- (4f) For the purposes of this part –
- (a) A person who habitually has a dog in this 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; and
 - (b) each of the following is a prescribed charity –
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

5. Other Matters

(5a) Authorised Officer

In this Order “an authorised officer” means an authorised officer of the council, a police officer, a police community support officer or an officer accredited under the community safety accreditation scheme as designated by the council.

6. Penalty

(6a) If any breach of an offence under this Order occurs a Fixed Penalty Notice of £100 can be issued reduced to £50 if paid within 10 working days. Failure to pay may lead to prosecution. A person who is guilty of an offence under article 1 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.