



North Warwickshire Borough Council

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER NORTH WARWICKSHIRE BOROUGH COUNCIL ORDER 2024

North Warwickshire Borough Council ("the Council") being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") have been met in relation to this order, namely that failure to remove dog fouling and incorrect disposal of dog foul bagged or otherwise, is an issue in North Warwickshire, frequently reported and seen across the borough. Accordingly, this behaviour has had a detrimental effect on the quality of life of those in the locality, or it is likely that the behaviour will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the behaviour is, or likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The council in exercise of its powers under Sections 59,60,61 and 72 of the Act and under all other enabling powers, hereby makes the following Order:

General provisions:

1. This Order applies to all land in the administrative area of the Council 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 namely
 - a) All streets and pavements throughout the Borough
 - b) All Council owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places
 - c) All land belonging to County and Parish Councils to which the public have access
 - d) All rights of way that cross land owned by the County, Borough, Town and Parish Councils.
2. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale (currently £1000).

Obligations on persons with dogs:

3. Fouling

If a dog defecates at any time on land to which this Order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

4. Exclusion

A person in charge of a dog must not take it into or keep it within a children's play area which are within the administrative area of the Borough of North Warwickshire or any school land which is controlled by the Warwickshire County Council unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

5. Means to pick up

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog 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.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces

6. Fixed Penalty Notice

An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 discounted to £75 if paid within 10 days.

7. Appeals

Any challenge to this 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 the restricted area. 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.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

8. Exemptions

Nothing in this Order shall apply 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) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this Order:

- 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.
- 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;
- Being unaware of defecation (whether by reason of not being in the vicinity of 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
- "an authorised officer of the Council" means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order

The order shall come into operation on 4th March 2024 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the council's statutory powers.

The Common Seal of North Warwickshire)
Borough Council was hereunto affixed)
The 16 day of Feb 2024 in the)
presence of:-)

Janie Ryan



