

## Public Spaces Protection Order – Dog Control Test Valley Borough Council 2020

Test Valley Borough Council, (in this order called “the Authority”), in exercise of the power under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met hereby make the following order:

This Order comes into force on 16<sup>th</sup> June 2020  
The Order remains in force for a period of 3 years under  
Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014

It is an offence under Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 for any person to fail to comply with a requirement under this Order or do anything a requirement prohibits them from doing under this Order

### 1. ORDER REQUIREMENTS

Within these Order Requirements:

- (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) An “authorised person” means a Police Officer, an authorised Police Community Support Officer, an authorised Police Community Support Volunteer, an authorised employee of Test Valley Borough Council or person who is authorised by Test Valley Borough Council for the purposes of giving directions under this Order.

### 1A. FOULING OF LAND BY DOGS

(a) This part of the Order applies to all public places within the Borough of Test Valley plus those mentioned in 1A(c) (i) and (ii).

(b) If a dog defecates at any time on land 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 then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(c) If a dog defecates at any time on any land belonging to:

- (i) Test Valley Borough Council, or
- (ii) on land belonging to any other person where the person who is in charge of the dog does not have permission to allow their dog on said third party’s land

then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(d) 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.

(e) 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, as per section 2(a)(i) of this Order, for failing to remove the faeces.

### **1B. LEADS BY ORDER**

(a) This part of the Order applies to all public places within the Borough of Test Valley.

(b) A person in charge of a dog shall comply with a direction given to him by an authorised person to put and keep the dog on a lead.

(c) An authorised person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

### **1C. EXCLUSION**

(a) A person in charge of a dog shall not take the dog into any enclosed childrens' play areas or any enclosed sports facilities in the borough of Test Valley.

## **2. GENERAL DEFENCES**

(a) It shall be a defence to offences arising under sections 1A, 1B and 1C if the person:

- (i) has reasonable excuse for failing to comply with the relevant section; or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## **3. 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) has a disability which affects his 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 he relies for assistance.

- Each of the following is a "prescribed charity" –
  - Dogs for the Disabled (registered charity number 700454)
  - Support Dogs Limited (registered charity number 1088281)

- Canine Partners for Independence (registered charity number (803680))

4. PENALTY

Breach of the order, without reasonable excuse is a criminal offence, subject to a fixed penalty notice (of £100) or prosecution. If a fixed penalty remains unpaid after the time allowed by statute, then the offender will be liable to prosecution. On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale.

Nothing in this Order authorises the contravention of any Byelaw that is in force in the Borough of Test Valley

THE COMMON SEAL of TEST VALLEY )  
BOROUGH COUNCIL was hereto )  
affixed in the presence of:- )

*Karen Dunn*

Head of Legal and Democratic Services  
Karen Dunn

