

Fenland District Council (Dog Control)
Proposed - Public Spaces Protection Order 2020

Fenland District Council (“the Council”) in exercise of its powers pursuant to Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order (“The order”) :-

1. This Order shall come into operation following public consultation and shall have effect for a period of 3 years from the effective date.
2. This Order relates to the areas shown hatched in red on the attached Plans in Schedule’s 1, 2, 3, & 4 and as further described respectively in Schedules 1A & 4A (‘the Restricted Area’); and applies to all the land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this paragraph, any land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.
3. The effect of this Order is to impose the following prohibitions and requirements on the Restricted Areas as specified individually as follows:

4.1 In the Restricted Areas shown in Schedule 1 and described in Schedule 1A:

- 4.1. 1 (A) A person in charge of a dog shall be guilty of an offence if, at any time, he does not keep the **dog on a lead** of not more than 5 meters in length, 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.

(2) For the Purpose of this Paragraph 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.

4.2 In the Restricted Areas shown in Schedule 2

4.2. (1) A person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a *direction* given to him by a constable or authorised officer of the Council to put and keep the **dog on a lead** of not more than 5 meters in length. This would be when the officer decides it is not being sufficiently supervised or the owner does not have it under control, 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.

(2) For the Purpose of this Paragraph -

- (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 another person is in charge of the dog:
- (b) a constable or authorised officer of the Council may only give direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent 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.

In this Paragraph “an authorised officer of the Council” means any person authorised in writing for the purposes of this Order by Fenland District Council (the Council).

4.3 In the Restricted Areas shown in Schedule 3:

4.3 (1) If a dog defecates at any time on any part of the land, a person who is in charge of the dog at that time who ***fails to remove faeces*** from the land forthwith, 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.

(2) Nothing in this paragraph 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 in respect of a dog trained to assist the blind; or
- (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to carry, lift or otherwise move everyday objects, in respect of a dog trained by a prescribe charity and upon which he relies on for assistance.

(3) For the purposes of this paragraph-

- (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 the time some other person is in charge of the dog:
- (b) placing the faeces in a receptacle on the land for which is provided for the purpose, or disposal of the waste, shall be a 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 803680).

4.4 In the Restricted Areas shown in Schedule 4 and described in Schedule 4A:

4.4. (1) 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 to any part of the ***land*** unless-

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) Nothing in this paragraph 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 in respect of a dog trained to assist the blind; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People 9registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to carry, lift or otherwise move everyday objects, in respect of a dog trained by a prescribe charity and upon which he relies on for assistance.

(3) For the purposes of this paragraph-

- (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 the 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. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.

6. A constable or "an authorised officer of the Council" may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.

7. "An authorised officer of the Council" means any person authorised in writing for the purpose of this order by Fenland District Council (this Council). A constable means a police constable in whatever capacity.

8. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN.

9. The Council is satisfied that the conditions set out in Sections 59 and 72 of 'the Act' have been met: that activities carried out in a public place within the authorities area have had a detrimental effect on the quality of life of those in the locality; and that 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 this Notice. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or reoccurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.

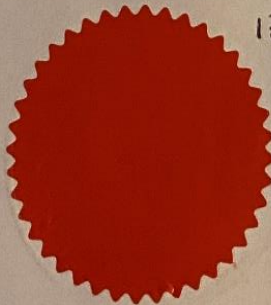
10. Any interested person (an individual who lives or regularly visits or works) in the restricted area who desires question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which the Order is made.

This Order shall come into force and be in place for a period of three years from the:

Date: 2nd December 2020

Sealed as Deed on behalf of Fenland District Council, the common seal being affixed in the presence of and signed by

13057



Seal no:
Authorised Signatory



SCHEDULES

Public Spaces Protection Order (Dogs) 2020 SCHEDULE 1 – Dogs on leads

The Fenland District Council hereby makes the following Order:

- 1 This Order will come into force after full consultation.
- 2 This Order applies to the land specified in the Schedule.

Offence

3(1) 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 of not more than 5 meters in length, 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 consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article 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.

Penalty

4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE 1A

Those areas hatched in red on the associated plans being located within the areas listed below:

Settlement Area

Benwick

St Mary's Churchyard

Manea

St Nicholas' Churchyard

Chatteris

Huntingdon Road

Larham Way

Meeks Cemetery

St Peter's & St Paul's
Churchyard

March

Alberts Drive

Garden of Rest, High Street

Nightall Drive

Robingoodfellows Lane

St Wendredas' Cemetery

Station Road Cemetery

The Avenue

Coates

North Green

South Green

Newton

St James' Churchyard

Doddington

St Mary's Churchyard

Whittlesey

Garden of Rest, Station Road

St Andrew's Churchyard

St Mary's Churchyard

Tower Close

Elm

All Saints Churchyard

Friday Bridge Churchyard

Wimblington

St Peter's Churchyard

Wisbech

Burcroft Road

General Cemetery

Heron Road

Jasmine Close

St Peter's & St Paul's Churchyard

Public Spaces Protection Order (Dogs) 2020 SCHEDULE 2 – Dogs on leads by direction

The Fenland District Council (in this Order called "the Authority") hereby makes the following Order:

- 1 This Order comes into force on following public consultation.
- 2(1) This Order applies to all the land with the Fenland District Council local authority area which is open to the air and to which the public are entitled or permitted to have access (with or without payment). The area hatched in red on the associated plans.
- (2) For the purposes of this section, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.
- 3 In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

- 4(1) 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 him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 5 meters in length, unless--
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person of authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article--
 - (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) a constable or 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.

In this Paragraph 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Fenland District Council (the Council).

Penalty

- 5 A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Public Spaces Protection Order (Dogs) 2020 SCHEDULE 3 – Dogs No Fouling - Means to pick up dog faeces

The Fenland District Council hereby makes the following Order:

1 This Order comes into force following public consultation.

2(1) This Order applies to all the land with the Fenland District Council local authority area which is open to the air and to which the public are entitled or permitted to have access (with or without payment). The area hatched in red on the associated plans.

(2) For the purposes of this section, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

Offence

3(1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence 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 consented (generally or specifically) to his failing to do so.

(2) Nothing in this article 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 in respect of a dog trained to assist the blind; 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

which he relies for assistance.

(3) For the purposes of this article--

(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 a 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 803680).

Penalty

4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Anti-social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order (Dogs) 2020 SCHEDULE 4 – Dogs excluded

The Fenland District Council hereby makes the following Order:

- 1 This Order comes into force following public consultation.
- 2 This Order applies to the land specified in the Schedule.

Offence

3(1) 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 doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) Nothing in this article 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 in respect of a dog trained to assist the blind; or
- (b) is deaf, in respect of a dog trained by 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 co-ordination 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.

(3) For the purposes of this article--

- (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; 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).

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE 4A

Those areas hatched in red on the associated plans being located within the areas listed below:

Settlement Area

Benwick

High Street

Chatteris

Cricketers Way

Furrowfields

Hunter's Close

Huntingdon Road

Larham Way
New Road Cemetery
St Paul's Drive
Wenny Road

Doddington
Beech Avenue
Walden Close

Eastrea
Springfields
Thornham Way

Friday Bridge
West Drive

Manea
Williams Way

March
Eastwood Cemetery
Gaul Road
North Drive
West End Park

Parson Drove
Main Road

Whittlesey
Burdett Grove
Manor Leisure Centre
Pinewood Avenue
Snowley Park
Station Road
Whittlesey Cemetery

Wimblington
Honeymead Road

Wisbech
Bath Road
Conference Way
Copperfields
Heron Road
Malt Drive
Mount Pleasant Cemetery
Westmead Avenue
Wisbech Park

Wisbech St Mary
Wisbech St Mary Cemetery