

# Public spaces protection (dog control) order 2021

Notice is hereby given that the County Council of the City and County of Newport propose to make a Public Spaces Protection Order under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 that will affect any public place as set out in the draft order attached hereto.

The purpose of the order will be to enforce responsible dog owners.

The County Council of the City and County of Newport (in this order called “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, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order

## **1 Definitions and Interpretation**

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order.

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.

“Public Space” means any place to which the public has access (with or without) payment or permission and which is owned or maintained by the Council, including roads, footpaths, pavements, grass verges, alleyways, public parks and gardens, green spaces and allotments.

1.2 Except when the context otherwise requires, the singular includes the plural and vice versa, and the masculine includes the feminine and vice versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

## **2 Scope**

This Order applies to the Public Spaces in the City and County of Newport which are described and shown in the Order and Schedules attached to this Order.

## **3 Duration**

This Order shall come into effect on xxx 2021, and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council’s statutory powers.

## **4 Title**

This Order may be cited as “The Newport Council (Public Spaces Protection) (Dog Control) 2021 and imposes the following requirements and prohibitions.

## **5 Dog Fouling**

In all Public Spaces within the City and County of Newport, as shown on the plan an list in **Schedule A**, the following requirements apply:

- 5.1 (a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and
- (b) A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.
- 5.2 For the purpose of Article 5.1 (a)
- (i) 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; and
- (ii) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

## **6 Dogs on Leads**

- 6.1 In any of the public cemeteries listed and shown in **Schedule B** to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.2 In any other Public Space in the City and County of Newport, as shown on the plan and list in **Schedule A**, a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.
- 6.3 For the purposes of Article 6.2, an Authorised Officer or Police Constable shall only give a direction 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 alarm, distress or disturbance to any other person or animal or wildlife / bird on the land.
- 6.4 A maximum of 4 dogs can be walked by one person at any one time.
- 6.5 No dogs are allowed on sports pitches during the respective sports seasons, as set out below. Any Person in Charge of a dog is only permitted to use this area outside of the published sports season fixture timetable.

Football Season – 1<sup>st</sup> July to 30<sup>th</sup> April

Rugby – 1<sup>st</sup> September to 30<sup>th</sup> April

Cricket – 1<sup>st</sup> April to 30<sup>th</sup> September

## **7 Dogs Excluded (Enclosed Childrens Play Areas)**

7.1 A Person in Charge of a dog is prohibited from taking dogs onto, or permitting the dog to enter or remain in any enclosed children's play area described or listed in **Schedule C**, to this Order.

## **8 Offences and Penalties**

8.1 Any failure to comply with the requirements or prohibitions imposed in Article 5, 6 or 7 of this Order shall constitute a criminal offence, unless;

- (a) The person has a reasonable excuse for failing to do so;
- (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; or
- (c) The person is exempt under Article 9 of this Order

8.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1000)

8.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

## **9 Prosecution**

The requirements and prohibitions imposed by this Order shall not apply to any person who;

1. Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, the Social Services Act 1948, the Social Services and Well-Being (Wales) Act 2014 or any other legislation;
2. 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 registered charity and upon which he relies for assistance ; or
3. Is using a working dog purposes of law enforcement, military duties, agriculture or statutory emergency services (search and rescue)

## **10 Appeal**

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area), may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

## **11 Validity Severance**

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order, shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF NEWPORT was hereunto affixed in the presence of:-

Authorised Signatory

The day of     in the Year

**Schedules**

SCHEDULE A - All Public Spaces within the City and County of Newport City Council

SCHEDULE B – Public Cemeteries – List and Plans

SCHEDULE C - Enclosed Childrens Play Areas – List and Plans

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