

Shropshire Council

Anti-Social Behaviour, Crime and Policing Act 2014

Part 4 Section 59

COUNTY OF SHROPSHIRE DOG CONTROL PUBLIC SPACE PROTECTION ORDER 2023

Shropshire Council (herein this Order called “the Authority”) in exercise of its powers under section 59 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, makes the following Order:

1. The Order applies to the public areas shown within the lined area on the plan Appendix 1 attached to this Order. For the purpose of this Order, public areas shall include the doorway or alcove of any premises or any other outdoor location to which the public would normally have free access.
2. The Authority is satisfied on reasonable grounds that the following conditions are met:
 - (i) The activities described below are carried out in a public place within the Authority’s areas and are having a detrimental effect on the quality of life of those in the locality, and that:
 - (ii) The effect, or likely effect of the activities
 - a) Is, or likely to be of a persistent nature;
 - b) Is, or is likely to be such as to make activities unreasonable; and;
 - c) Justifies the restrictions imposed by the Order.
 - d) An Authorised Officer includes a Police Constable, Police Community Support Officer (PCSO), an Authorised Officer of the Authority or any person authorised by the Authority.
3. The Authority has considered the rights and freedoms set out in the European Convention of Human Rights and it has been concluded that these restrictions imposed by this Order are lawful, necessary, and proportionate.
4. In addition to the Authority’s powers under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (The Act”) and having regard to section 72 of The Act, the Authority hereby makes the following Order.

The Activities

5. The Activities to which this order relate are:
 - 5.1 Dog fouling and subsequent removal of dog faeces; and
 - 5.2 The walking of dogs in specified areas of Shropshire.

Requirement of this Order

6. Any person in charge of a dog in any public place within the area of Shropshire must immediately clean up and remove any faeces, which has been deposited by the dog and it be disposed of accordingly, by being bagged and taken away or put into a public litter or dog waste bin.
7. Any person in charge of a dog in any public place within the area of Shropshire must comply with any request from any Authorised Officer of Shropshire Council, a Police Officer, or Police Community Support Officer to clean up and remove any dog faeces deposited by the dog where they have failed to do so. The dog faeces must be disposed of accordingly, by being bagged and taken away or put into a public litter or dog waste bin.

Exclusion of dogs in specified areas

8. A person or persons in charge of a dog is prohibited from allowing the dog to enter fenced/enclosed areas within the County of Shropshire, which is signed at the entrance(s) as 'dog exclusion zone' (whether the sign uses those particular words or words and/or symbols having like effect).
9. A person or persons in charge of a dog is prohibited from allowing the dog to enter any enclosed public children's play area, playground or similar enclosed area situated within the County of Shropshire. This will include play areas owned by Parish and Town Councils, which is signed at the entrance(s) as 'dog exclusion zone' (whether the sign uses those particular words or words and/or symbols having like effect).

Further obligations of this order

10. A person or persons in charge of a dog must comply with a direction given to them by a Police Officer, Police Community Support Officer, or an Authorised Officer of Shropshire Council to put and keep the dog on a lead, unless:
 - a) They have reasonable excuse for failing to do so; or
 - b) The owner or other person or authority having control of the land has consented.

Dogs off a lead on a Highway

11. A person or persons in charge of a dog must keep a dog on a lead no longer than (1 metre in length) on a Highway.
12. A person or persons in charge of a dog must comply with a direction given to them by a Police Officer, Police Community Support Officer, or an Authorised Officer of Shropshire Council, unless:
 - a) They have reasonable excuse for failing to do so; or
 - b) The owner or other person or authority having control of the land has consented.

Exemption from the Order

13. 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 their 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 upon which they rely for assistance.
 - c) If the dog is a working dog, including dogs that are being used for work in connection with emergency search and rescue, herding or shepherding animals, law enforcement and the work of the armed forces. These exemptions will only apply whilst the dog is working.

Duration

14. The Order shall take effect from (INSERT DATE) and has effect for three years subject to any variation or extension of the Order.

Interpretation

15. For the purpose of this Order:
 - a. A public space includes any place to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of an express or implied permission, for example a public highway/footpath, a park, a playing field.
 - b. The area of the County of Shropshire is shown as the area shaded (COLOUR) in the Map at Schedule 1.
 - c. A person who habitually has a dog in their 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.

- d. Placing the bagged dog faeces in a receptacle provided for that purpose in the area shall be sufficient removal from the land.
- e. Claiming to be unaware of the dog defecation (whether by reason of not being in the vicinity or otherwise) or not having the means to remove the faeces shall not be a reasonable excuse for failing to remove the faeces.
- f. Agency, or contractor, an Authorised Officer of Shropshire Council means an employee, partnership of Shropshire Council, who is authorised for the purpose of giving directions under this Order.
- g. Each of the following is a “Prescribed Charity” for the purposes of the exemptions under this Order:
 - (i) Hearing Dogs for Deaf People (registered charity number: 293358)
 - (ii) Dogs for the Disabled (registered charity number: 700454)
 - (iii) Support Dogs (registered charity number: 1088281)
 - (iv) Canine Partners for Independence (registered charity number: 803680)
 - (v) Assistance Dogs UK (registered charity number: 1092960)
 - (vi) Guide Dogs (registered charity number: 209617)
 - (vii) The Kennel Club Charitable Trust (registered charity number: 327802)
 - (viii) Dogs Trust (registered charity number: 227523)

Penalty

- 16. Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is an offence under Section 67 of this Act. A person guilty of an offence under section 67 of this Act is liable upon conviction in a Magistrates Court to a fine not exceeding level 3 on the standard scale (not exceeding £1000.00) or a fixed penalty notice not exceeding £100.00.

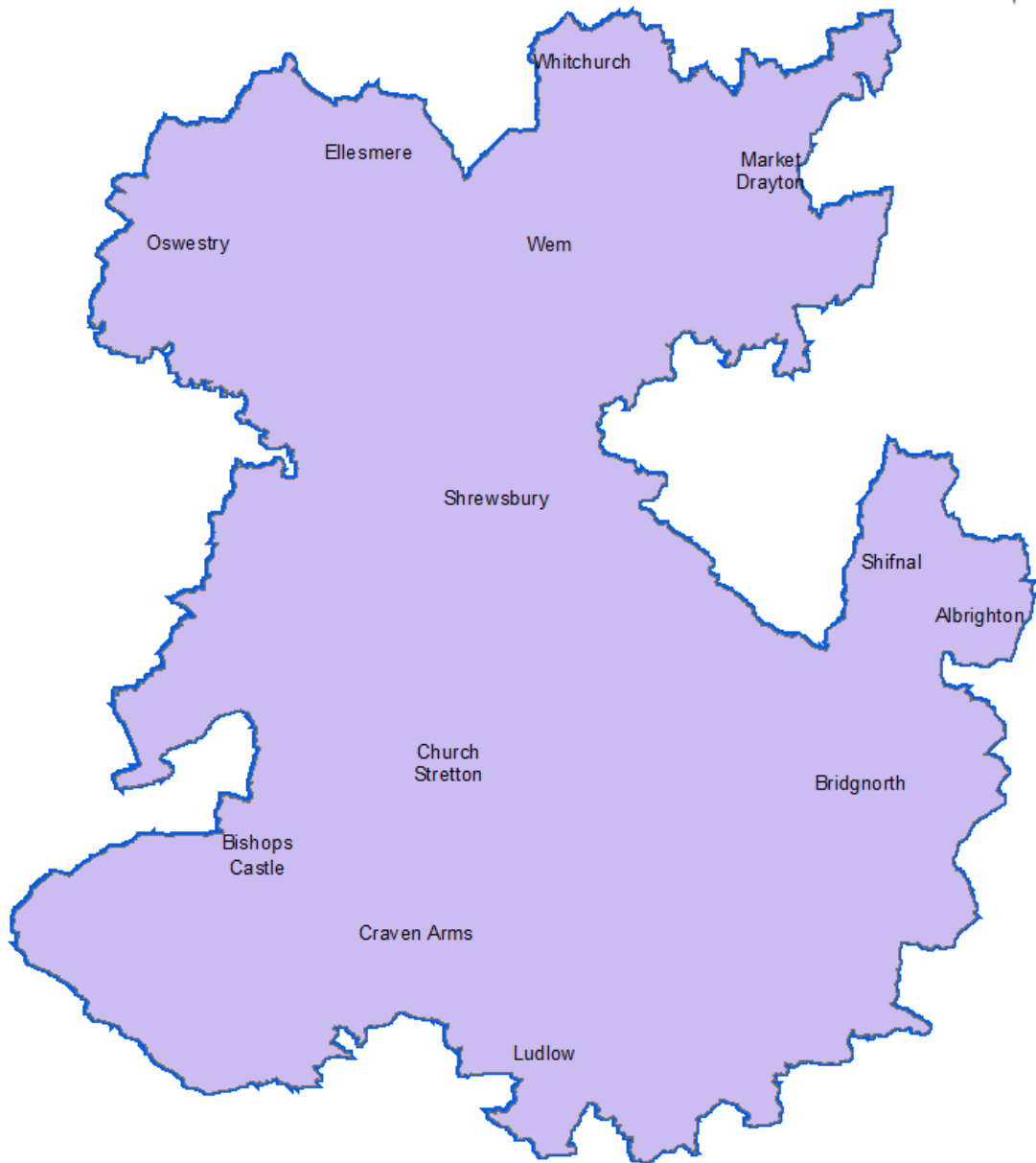
Appeal

- 17. If a person wishes to challenge the validity of the Order on the grounds that Shropshire Council has no powers to make the Order and that any requirement of the Act has not been complied with, in relation to the Order being made, they may apply to the High Court to challenge within six weeks from the date on which this Order is made.

THE COMMON SEAL of
SHROPSHIRE COUNCIL

Was affixed hereto the

In the presence of:



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Map for Public Space Protection Order Report

The Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

Scale : 1:375,000