

PUBLIC SPACES PROTECTION (THE FOULING OF LAND BY DOGS IN THE DISTRICT OF DERBYSHIRE DALES) ORDER 2015

Notice is hereby given that Derbyshire Dales District Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land described by Schedule 1 and outlined in the attached Plan below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order.
2. The Order may be cited as the Public Spaces Protection (The Fouling of Land by Dogs In The District Of Derbyshire Dales) Order 2015 and came into force on XXXX 2015 for a duration of three years until XXXX 2018
3. The effect of the Order is to impose the following conditions on the use of the land:
 - (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 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; 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.
 - (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 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; and

- (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. A person guilty of an offence under Article 3 above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

[Date]

GIVEN under the COMMON SEAL of DERBYSHIRE DALES DISTRICT COUNCIL
this the day of 2015 in the presence of:

Head of Corporate Services
No. in deeds register

SCHEDULE 1

Description of land to which the Order applies:

1. Any land within the administrative area of Derbyshire Dales District Council 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.

INSERT MAPS