



MALDON DISTRICT  
COUNCIL

## **The Anti-Social, Behaviour, Crime and Policing Act 2014**

### **THE MALDON DISTRICT COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2017**

Maldon District Council (in this order called "the Authority") hereby makes the following order under section 59 of the 2014 Act

The Order takes effect on 20 October 2017 and has a duration of 3 years.

#### **Obligations on person with dogs:**

#### **2. Fouling**

If within the administrative area of the Authority 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 and a person who is in charge of the dog at the 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.

#### **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, where the offence is in relation to a dog upon which that person relies and which has been trained by a (prescribed) charity for assistance.

or:

- b) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects in relation to a dog upon which that person relies and which has been trained by a (prescribed) charity 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)

#### **For the purpose of this order:**

- 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;
- 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;

- Being unaware of the defecating (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.
- "an authorised officer of the Authority" means an employee, partnership agency or contractor of Maldon District Council who is authorised in writing by Maldon District Council for the purpose of giving directions under the order.

#### 4. Penalty

A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-Social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

#### FIXED PENALTY

An authorised officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £80. If you pay the fixed penalty within 14 days you will not be prosecuted.

#### APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds, (i) that the Council does not have the power to make the order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Signed *R. Holmes*  
 Director of Customers & Community on behalf of Maldon District Council

Dated 24-10-17

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Signed *[Signature]*  
 Member of Maldon District Council

Dated 24/10/17

