

Extension to Public Spaces Protection Order – Dog Control

Test Valley Borough Council 2020

Test Valley Borough Council, (in this order called “the Authority”), in exercise of the power under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in Section 60 of the Act have been met, extends the Dog Control Test Valley Borough Council 2020 Public Spaces Protection Order (“the Order”) as it is deemed necessary to prevent occurrence or recurrence after that time of the activities identified in the Order.

The Authority hereby extends the existing the Dog Control Test Valley Borough Council 2020 Public Spaces Protection Order, which shall remain in force for a period of 3 years under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014

It is an offence under Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 for any person to fail to comply with a requirement under this Order or do anything a requirement prohibits them from doing under this Order

1. ORDER REQUIREMENTS

(1) Within these Order Requirements:

- (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) “an authorised officer of the Authority” means an employee, partnership agency or contractor of Test Valley Borough Council who is authorised in writing by Test Valley Borough Council for the purposes of giving directions under the Order.

1A. FOULING OF LAND BY DOGS:

(a) This part of the Order applies to all public places within the borough of Test Valley plus those mentioned in 1A(c)(i) and (ii).

(b) If 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 then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(c) If a dog defecates at any time on any land belonging to

(i) Test Valley Borough Council, or

(ii) on land belonging to any other person where the person who is in charge of the dog does not have permission to allow their dog on said third parties land

then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(d) 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;

(e) 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, as per section 2(a)(i) of this Order, for failing to remove the faeces.

1B. LEADS BY ORDER

(a) This part of the Order applies to all public places within the borough of Test Valley.

(b) A person in charge of a dog shall comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead.

(c) An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

1C. EXCLUSION

(a) A person in charge of a dog shall not take the dog into any enclosed childrens play areas or any enclosed sports facilities in the borough of Test Valley.

2. GENERAL DEFENCES

- (a) It shall be a defence to offences arising under sections 1A, 1B and 1C if the person:
- (i) has reasonable excuse for failing to comply with the relevant section; or
 - (ii) 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 on a register compiled under section 29 of the National Assistance Act 1948; 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 physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities within the meaning of section 6 of the Equality Act 2010 or
- d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog (an Assistance Dog) in connection with their disability. The term “Assistance Dog” shall mean a dog which has been trained in respect by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which a person relies for assistance.

4. Penalty

Breach of the order, without reasonable excuse is a criminal offence, subject to a fixed penalty notice (of £100) or prosecution. If a fixed penalty remains unpaid after the time allowed by statute, then the offender will be liable to prosecution. In extreme, or repeat, offences then the matter may proceed directly to prosecution without the offender being given the opportunity of a Fixed Penalty Notice. On summary conviction, an individual would be liable to a fine not exceeding £1,000.

Nothing in this Order authorises the contravention of any Byelaw that is in force in the borough of Test Valley

This order shall run from 16th June 2023 and expire at 00:00hrs on 15th June 2026.

THE COMMON SEAL of TEST VALLEY
BOROUGH COUNCIL was hereto
affixed in the presence of:-



Head of Legal and Democratic Services
Karen Dunn



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