## Waverley Borough Council

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

## Part 4, Section 59

## The Public Spaces Protection Order (No 1) - Dog Fouling – Waverley Borough Council 2023

Waverley Borough Council ('the Council') in exercise of the power under section 59 of the 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:

This Order comes into force on [ ] and will remain in force for a period of three years from that date unless extended by further order under the Council's statutory powers.

General Provisions

This order applies to all land in the area of Waverley Borough Council ('the Restricted Area') that is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order, land which is covered is to be treated as land which is open to the air if it is open to the air on at least one side.

**Dog fouling**

1. Any Person in Charge of a dog shall be guilty of an offence where the dog defecates at any time on land within the Restricted Area and he/she fails to remove the faeces from the land forthwith and dispose of it in an appropriate receptacle such as a litter or dog waste bin, unless:
   (a) he/she has a reasonable excuse for failing to do so; or
   (b) the owner, occupier or other person or authority having control of the relevant land has consented to his failing to do so.

2. 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.

**Definitions**

3. Authorised Officer means an employee of the Council, Police Officer, Police Community Support Officer, or other person who is authorised in writing by the Council.

4. Person in Charge means the person who has the dog in his/her possession, care or company at the time the relevant offence is committed, or the person who habitually has the dog in his/her possession, care or company.

**Exemptions**

5. Nothing in this order shall apply to a person who –
   a. is registered as a blind person in a register complied under Section 29 of the National Assistance Act 1948; or,
   b. has a disability which affects his/her 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 and upon which he/she relies for assistance; or
   c. has an accredited assistance dog.

**Penalty**

6. Any person who without reasonable excuse fails to comply with this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7. An Authorised Officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to this Order.

Dated this First day of August 2023

GIVEN under the Common Seal of

Waverley Borough Council

THE COMMON SEAL of the

WAVERLEY BOROUGH COUNCIL

Was hereunto affixed in the presence of

……..

Authorised Officer