

# STROUD DISTRICT COUNCIL

## THE FOULING OF LAND BY DOGS PUBLIC SPACES PROTECTION ORDER (EXTENSION 2020)

**Anti-Social Behaviour, Crime and Policing Act 2014, section 60**

**DATED: 19<sup>th</sup> day of October 2020**

Stroud District Council ("the Council") in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") permitted the Dog Control Order known as The Fouling of Land by Dogs Order 2012 to automatically transition into the Fouling of Land by Dogs Public Spaces Protection Order 2017 ("Original Order").

The Council in exercise of its power under section 60 of the Act and of all other enabling powers being satisfied that that the conditions set out in section 60 of the Act have been met hereby extends the Original Order which came into force on 20th October 2017 and the following shall be the extended Order coming into force on 19<sup>th</sup> October 2020:

1. This Order remains in force for a period of three years unless extended, varied or discharged by further Order(s) under the Council's statutory powers.
2. This Order applies to the land specified in the Schedule.

### **3. Offence**

(3.1) 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 a 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.

(3.2) Nothing in this Order 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 upon which he relies for assistance.

(3.3) For the purpose of this Order-

- (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 a sufficient removal from the land;

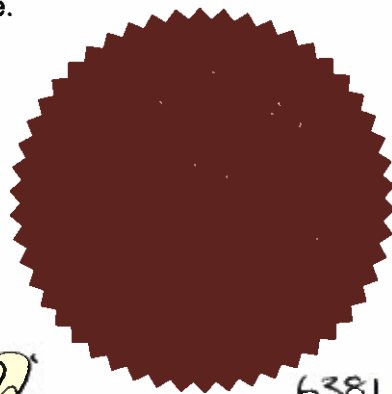
- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to removing the faeces;
- (d) each of the following is a "prescribed charity" –
  - (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. Penalty**

A person who without reasonable excuse fails to comply with this Order shall be guilty of an offence under section 67 of the Act and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a Fixed Penalty Notice in the sum of £75. If the Fixed Penalty Notice is paid within 10 days of issue, there will be an alternative discounted sum payable of £50.

- 5. If any interested person intends to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to the Order, that person may apply to the High Court within six weeks from the date on which this Order is made.

**THE COMMON SEAL** )  
 of **STROUD DISTRICT COUNCIL** )  
 was hereunto affixed this 19<sup>th</sup> day of )  
 October 2020 in the presence of: )



*[Handwritten signature]*

6381 ①

Proper Officer

**SCHEDULE**

- 1. Subject to the exception in paragraph 2 below, all land within the administrative area of the Council and which is:
  - (a) open to the air (which includes land that is covered but open to the air on at least one side); and
  - (b) to which the public are entitled or permitted to have access (with or without payment).
- 2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.