

Appendix 1 Public Spaces Protection Order - Consultation

Public Spaces Protection Order Consultation – Dog fouling

Under the Antisocial Behaviour, Crime and Policing Act 2014 the Council has the power to make a Public Spaces Protection Order to help protect the community.

Tewkesbury Borough Council would like to make an order to address the problem of dog fouling. The order will impose the following requirements on public land across the whole of the borough.

- A person in control of a dog must ensure that dog faeces are removed from the land forthwith.
- A person in control of a dog must ensure that they have means available to clear up dog faeces.
- A person in control of a dog must ensure that dog faeces are disposed of in an appropriate receptacle.

The order will be enforced by officers from the Council and failure to comply with the order may result in a fixed penalty fine of up to £100 or prosecution.

It is envisaged that the enforcement options which are available in connection with the order will help consolidate the powers available to the Council to tackle dog fouling and improve the Council's approach to dealing with this important issue.

The purpose of this consultation is to seek your views and opinion on the proposed order. Therefore we would be very grateful if you would complete this short survey. The results of the survey will help the Council to decide whether or not the proposed order should be approved.

The consultation period will be open for 12 weeks from 14th August 2017 until the 6th November 2017.

Proposed Order

Tewkesbury Borough Council



Anti-Social Behaviour Crime and Policing Act 2014 Public Spaces Protection Order

Tewkesbury Borough Council ("The Council") hereby makes the following order.

Preliminary

The Council in making this order is satisfied that the failure to remove dog faeces forthwith and incorrect disposal of dog faeces, bagged or otherwise, is a behaviour which is prevalent within Tewkesbury Borough and has a detrimental effect on the quality of life of those in the locality. The Council is also satisfied that the effect, or likely effect of the behaviour is, or is likely to be of a persistent or continuing nature, is unreasonable, and justifies the restrictions imposed by this notice.

General Provisions

1. This order shall apply to all land, which is open to the air, within the administrative boundary of Tewkesbury Borough Council (as shown within the red boundary on the attached plan) and to which the public have a right or entitlement to access, whether paid or unpaid.
2. It is an offence for a person, in the absence of a reasonable excuse, to fail to comply with this order. A person found to be in breach of this order may be liable to a fixed penalty notice of up to £100 or on summary conviction a fine, not exceeding level 3, on the standard scale.

Dog Fouling

3. If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith.

Means to pick up dog faeces

4. A person in charge of a dog on land to which this order applies must have available an appropriate means to pick up dog faeces produced by that dog.

Disposal of dog faeces

5. Dog fouling which takes place on land to which this order applies must be disposed of in an appropriate receptacle. An appropriate receptacle is a purpose provided general waste bin or dog waste bin.

Exemptions

6. The requirements imposed by this order shall not apply to:

- i. A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or.
- ii. A person who has a physical or mental disability which prevents them from being able to comply with this order.

This order shall come into on..... for a period of 3 years from the date of this order unless extended by further orders made under the Council's statutory powers.

Given under the common seal of Tewkesbury Borough Council on the

..... day of.....2017.

hereby affixed in the presence of:

Peter J Tonge
Head of Community Services.

Public Space Protection Order Consultation Survey

Tewkesbury Borough Council

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough
- A business owner within Tewkesbury Borough
- A regular visitor to Tewkesbury Borough
- An occasional visitor to Tewkesbury Borough.

Q2. Do you think that dog fouling is a persistent problem in your community/neighbourhood?

- Yes
- No
- Don't know

Q3. Have you ever witnessed a person in control of a dog fail to remove dog faeces, within Tewkesbury Borough ?

- Yes
- No

Q4. Do you think that regulating dog fouling with the use of a borough wide public space protection order will help address the problem of dog fouling within Tewkesbury Borough?

- Yes
- No
- Don't know.

Q5. Please let us know about any additional comments you may wish to make regarding the proposed order.

- Comments