

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**PORTSMOUTH CITY COUNCIL****PORTSMOUTH CITY COUNCIL (DOG CONTROLS) PUBLIC SPACES
PROTECTION ORDER 2018**

Portsmouth City Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 and Section 61 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Portsmouth City Council (Dog Controls) Public Spaces Protection Order 2018 and shall come into force on [DATE TO BE INSERTED 2018]. Unless the Council extends or varies this Order before it has expired, it shall expire on [DATE TO BE INSERTED 2021].
2. This Order covers the following dog controls within the City of Portsmouth as shown on the plan in Schedule A (attached):
 - a. Exclusion of dogs from land
 - b. Fouling of land by dogs and the removal of dog faeces
 - c. Dogs only permitted on land if kept on lead
 - d. Dogs to be put on lead by direction of an authorised council officer

and creates the offences outlined below.

3. This Order applies to the land described in the Schedule to this Order below, being public land to which the public are entitled or permitted to have access (with or without payment) in the administrative area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "Restricted Areas".
4. In this Order, "an Authorised Officer" means Police Officer or a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes this Order on the basis it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Penalty:

6. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A Police Officer or Authorised Officer may issue a fixed penalty notice to anyone he/she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

The Offences:

A. Exclusion of dogs from land

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any Restricted Areas shown in Schedule A below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
2. This shall not 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; or
 - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c. has a disability which affects his/her 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 and upon which he/she relies for assistance.
The term "prescribed charity" includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

B. Fouling of land by dogs and the removal of dog faeces

1. If within the administrative area of the Council, as shown in Schedule A, 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, without reasonable excuse, fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not 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; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c) has a disability which affects his/her 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 and upon which he/she relies for assistance.
The term "prescribed charity" includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and

- ii. Support Dogs Limited (registered charity number 1088281); and
- i. Canine Partners for Independence (registered charity number (803680).

C. Dogs only permitted on land if kept on lead

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not keep the dog secured on a lead, of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not 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; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c) 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 and upon which he/she relies for assistance. The term “prescribed charity” includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

D. Dogs on leads by direction of a Police Officer / PCS or Authorised Officer

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not comply with a direction given to him by an Authorised Officer to put and keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not 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; or
 - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c. has a disability which affects his/her 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 and upon which he/she relies for assistance. The term “prescribed charity” includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

Schedule

Appendix 1

Plan A - map of LA administrative area of Portsmouth

Plan B - map showing dog controls within the LA administrative area of Portsmouth

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 regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, 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.

Dated this day of 2018

SEAL