

SOUTH RIBBLE BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**FOULING OF LAND BY DOGS IN THE BOROUGH OF SOUTH RIBBLE PUBLIC SPACE
PROTECTION ORDER 2024**

The South Ribble Borough Council (in this Order called "the Council") under Part 4, 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, hereby makes the following Order:

1. The Order comes into force on the 23/10 2024 and shall last for three years unless otherwise extended by the Council
2. This Order applies to land specified in the Schedule.

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, then that person shall be guilty of an offence unless-
 - a. they have 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 them failing to do so.
- (2) Nothing in this article 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 their 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 relies for assistance.
- (3) For the purposes of this article-
 - a. a person who habitually has a dog in their 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 remove 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. (1) A person in charge and in the company of a dog on the land specified shall be guilty of an offence if, on the request of a constable or authorised person he or she fails to forthwith produce a device for or other suitable means of removing dog faeces and transporting it to a suitable waste disposal receptacle (whether or not the dog has defecated).

(2) The provisions of Article 3(1)(a), 3(1)(b), Article 3(2), Article 3(3)(a) and 3(3)(d) of this order shall apply to this Article 4.

Penalty

- 5. By virtue of Section 67 of the Act it is an offence for a person without reasonable excuse to be in breach of this Order.
- 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 (currently £1,000) on the standard scale.

Fixed Penalty

- 7. By virtue of Section 68 of the Act a constable or an authorised person may issue a fixed penalty notice not exceeding £100 to anyone he or she has reason to believe has committed an offence under Section 67 of the Act in relation to this Order.

Appeals

- 8. Any challenge to this Order must be made at the High Court within six weeks of the Order being made, and must be by an individual who lives in, regularly works in or visits the Restricted Area.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation 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.

SCHEDULE

Description of public places to which order applies

This Order applies to all public places within the administrative area in the Borough of South Ribble and which is:

(i) Open to the air on at least one side and to which the public are entitled or permitted to have access (with or without payment) within the Borough of South Ribble including but not limited to parks, public open spaces and highways in the area.

(ii) Access Land within the meaning of S1(1) Countryside and Rights of Way Act 2000 including, but not limited to, Longton Brickcroft Nature Reserve and Access Land to Longton Marsh (shown edged red for identification purposes on the plans attached hereto).

IN WITNESS whereof the Council have caused the Common Seal of the South Ribble Borough Council to be hereunto fixed this.....23rd day of October 2024

EXECUTED AS A DEED by
SOUTH RIBBLE BOROUGH COUNCIL

by affixing its Common Seal
the day and year first written above

[Signature]
.....
Authorised Signatory



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