

# FAREHAM

## BOROUGH COUNCIL

### ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

#### PART 4, SECTION 59

#### PUBLIC SPACE PROTECTION ORDER (DOG FOULING) 2016

Fareham Borough Council (“the Council”) in exercise of its powers 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:-

1. The Order applies to any land to which the public or any section of the public has access on payment or otherwise within the administrative area of the Council and as shown delineated by the black line on the plan annexed to this Order (“the Restricted Area”).
2. Any person in charge of a dog within the Restricted Area shall be in breach of this Order if he/she allows the dog to defecate or otherwise foul in a public place and then fails to immediately remove the waste and dispose of it in an appropriate receptacle / public waste receptacle.
3. Being unaware of the defecation / fouling (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.
4. A person who habitually has a dog in his / her possession shall be taken to be in charge of the dog at any time unless at that time some other adult person is in charge of the dog.
5. The provisions of this Order shall not apply to any person who is registered blind in accordance with the National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his / her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and said dog has been trained by a Prescribed Charity;
6. Prescribed Charity for the purposes of this Order shall mean:
  - Dogs For The Disabled (Registered Charity 700454)
  - Support Dogs Ltd (Registered Charity 1088281)
  - Canine Partners for Independence (Registered Charity 803680)
  - Any other Registered Charity providing disability assistance dogs accepted by the Council as a prescribed charity from time to time.
7. Any person who without reasonable excuse fails to comply with the requirements of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standards scale.

8. This Order shall come into force on 1<sup>st</sup> April 2016 and remain in place for a period of three years.

Dated this xxx day of March 2016.

The COMMON SEAL of  
Was hereunto affixed in the  
presence of:-

AUTHORISED SIGNATORY

SCHEDULE (MAP OF RESTRICTED AREA)

# FAREHAM

BOROUGH COUNCIL



Fareham Borough Boundary  
Scale 1:50000

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**CHALLENGING THE VALIDITY OF ORDERS**

An Interested Person may apply to the High Court to question the validity of-

- a) This Order, or
- b) A future variation of this Order.

“Interested Person” means an individual who lives in the Restricted Area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Fareham Borough Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b) A requirement under Chapter 2 of the Act was not complied with in relation to the Order or variation.