

Appendix A

FAREHAM BOROUGH COUNCIL

Anti Social Behaviour, Crime and Policing Act 2014

Part 4, Section 59

Public Spaces Protection Order (Dog Control) 2022

This Order comes into force on the [XXXXXX 2022] and will remain in force for three years from that date unless extended by further order under the Council's statutory powers

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. General provisions

Definitions

- 1.1 "Authorised Officer" means any officer of the Authority authorised by the Chief Executive of the Authority for the purposes of paragraphs 4 and 5 of the Order
- 1.2 "Public Place" means any place in the administrative area of the Authority to which the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission. The administrative area of the Authority is land edged in thick black in Schedule 1
- 1.3 "Person in Charge" is a person who habitually has a dog in their possession shall be taken to be in charge of the dog

2. Offence and Penalty

- 2.1 It is an offence under Section 67 of the Act for a person without reasonable excuse, (i) to do anything that they are prohibited from doing under the Order, or (ii) to fail to comply with a requirement which they are subject to under the order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale

3. Fouling

- 3.1 The public health implications of dog fouling are well documented. This part and part 4 of the Order are designed to prevent contamination of public spaces by dog faeces
 - 3.2 If a dog defecates at any time on any Public Place the person who is in charge of the dog at the time must remove the faeces forthwith 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 Public Place has consented (generally or specifically) to them failing to do so
 - 3.3 Placing the faeces in a receptacle which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the Public Place
 - 3.4 Not being aware of the defecation or not having a device for or suitable means of removing the faeces shall not be reasonable excuse for failing to remove it
4. Dogs on Lead by Direction
- 4.1 In public places in the Borough of Fareham where dogs are permitted off leads, a minority of persons in charge of dogs allow them to cause damage to property, and cause problems for pedestrians and other dog owners. This part of the Order is designed to enable authorised Council officers to direct that such a person put their dog on a lead
 - 4.2 An Authorised Officer may on any Public Place (other than those specified in Schedule 2 and 3 of the Order from which dogs are excluded from or must be kept on a lead in any event) direct a person in charge of a dog to keep the dog on a lead if such restraint is in the opinion of the Authorised Officer necessary to prevent nuisance to other persons or worry to animals
 - 4.3 A person issued with a direction under paragraph 5.1 of the order must comply 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 Public Place has consented (generally or specifically) to them failing to do so
5. Maximum of four dogs
- 5.1 There has been an increase in the number of persons and businesses walking large numbers of dogs together having poor control in some instances and not picking up faeces. This part of the order seeks to place limits on the number of dogs which can be walked together to enable control
 - 5.2 A person shall not at any time take more than four dogs on to any Public Place (other than those specified in Schedule 3 of the Order from which dogs are excluded in any event)
 - 5.3 A person must comply with the requirement in paragraph 6.1 of this Order unless;-

- (a) The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so

6. Dogs on Leads

6.1 In some public spaces within the Borough of Fareham that are sensitive because of their nature or usage, or which are fragile environments, close control of dogs by their being on a lead is necessary to prevent damage or undue disturbance. The restrictions in this Order are designed to facilitate a sharing of these public places, whilst recognising that dogs to need to be exercised off lead

6.2 A person in charge of a dog on any public place specified in Schedule 2 to the Order must keep the dog on a lead 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 place has consented (generally or specifically) to them failing to do so

7. Exclusion of dogs

7.1 There are specific public places in the Borough of Fareham from which dogs should be excluded for their safety and that of members of the public, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

7.2 A person in charge of a dog must not take it into or keep it in any Public Place specified in Schedule 3 to the Order unless (a) they have a reasonable excuse for doing so; or (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.

8. Exemptions

8.1 Nothing in this Order shall apply to a person who:

(a) Is registered as a blind person on 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 relies for assistance; or

(c) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future member of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance.

(d) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

EXECUTED AS A DEED BY AFFIXING THE COMMON SEAL OF FAREHAM BOROUGH COUNCIL IN THE PRESENCE OF:

Solicitor

Schedule 2

Any Cemetery or churchyard

Crofton Cemetery, Oakcroft Lane, Stubbington

Wickham Road Cemetery, Fareham St Peter's Cemetery, Church Street, Titchfield,

Posbrook Lane Cemetery, Titchfield,

Roman Grove Cemetery, Castle View Road, Portchester,

St Johns Cemetery, St Johns Road, Locks Heath,

St Paul's Cemetery, Barnes Lane, Sarisbury

Holly Hill Cemetery, Barnes Lane, Sarisbury

St Peter and St Paul's Churchyard, Osborn Road, Fareham

St Peter's Churchyard, Church Street, Titchfield

Crofton Churchyard, Lychgate Green, Stubbington

St Mary's Churchyard, Castle Street, Portchester

St Paul's Churchyard, Barnes Lane, Sarisbury

Westbury Manor Museum Garden, Fareham Town Centre

Sensory Garden of Reflection, Osborn Road, Fareham

Salterns Road Promenade, Hill Head

Holly Hill Woodland Park

Holly Hill Play Area

Burridge Pond

Coldeast Open Space

Portchester Crematorium

Any area within Fareham that is:

i). Designated as a Site for Special Scientific Interest ("SSSI") or; ii), where the Authority keep animals and where signage is present;

a) Portchester Common

b) Abbey Meadows