

WEST LINDSEY DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order

This order may be cited as the West Lindsey District Council – Dog Fouling Public Space Protection Order 2017. Brought into effect on 5th June 2017, extended and varied on 5th June 2020 for an additional 3 years.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation this order, namely that failure to remove dog fouling, and incorrect disposal of dog foul bagged or otherwise, is an issue in West Lindsey frequently reported and seen across the District. Accordingly, this behaviour has had a detrimental effect on the quality of life of those in the locality, or it is likely that the behaviour will be carried out in the area and have such an effect. 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, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 60, 61 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. Dog fouling occurring on any land which is open to the air, and to which the public have a right or entitlement of access to, whether paid or unpaid, within the District of West Lindsey (see map appended), must be removed immediately by the person at that time in control of the dog.
2. Dog fouling must be properly disposed of in a general waste bin or dog waste bin
3. A person in charge of a dog on land, if directed by an authorised officer, must produce a device or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated)
4. Exemptions to this order may be found in schedule 1

Schedule 1

1. The following land will not be subject to this Order:
 - a. Agricultural land
 - b. Roadside grass verges along roads with a speed limit above 40mph (verges with footpaths alongside roads will not be exempt regardless of speed limit)
 - c. Private property that the public have no right or entitlement of access to
2. Exemptions will be given to persons registered blind or partially sighted, or who have physical or mental disabilities which prevent them from being able to comply with the Order

Schedule 2

1. It is an offence for a person without reasonable excuse to fail to comply with this order.
2. In accordance with Section 67 of the act, a person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £100.

For the purpose of this order:

1. A person who habitually has a dog in his 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;
2. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
3. 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

The original Order is extended and varied and comes into operation on the 5th June 2020 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the

The Common Seal of
West Lindsey District Council
was hereunto affixed
in the presence of

Dog Fouling Public Space Protection Order – District Boundary Map

