

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014, S59

THE BOROUGH COUNCIL OF CALDERDALE

The Fouling of Land by Dogs (Calderdale) Public Space Protection Order 2022

The Borough Council of Calderdale (in this Order called “the Authority”) hereby makes the following Order:

1. This Order comes into force at 00:01 hours on Friday 17th June 2022, and shall have effect until midnight on 16th June 2025, unless extended by further orders under the Council’s statutory powers.
2. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.
3. The Authority is satisfied that the following activities are taking place within the restricted area:
 - incidents and concerns from the public arising from irresponsible dog ownership and poor dog control
4. The Authority is further satisfied that the activities referred to in paragraph 3 above are having or are likely to have a detrimental effect on the quality of life of those in the locality and it therefore makes a Public Spaces Protection Order, the terms of which are explained below.

Restricted Area

5. Unless otherwise stated, the prohibitions and requirements detailed below shall apply at all times of the day and all days of the week throughout any calendar year throughout the entirety of the restricted area shown in the schedule.

Dog Exclusion/Prohibition

6. (1) All persons in charge of a dog are required to show an Authorised Officer, upon request, that they have a satisfactory means to pick up excrement produced by their dog even if the dog has not defecated, that person shall be guilty of an offence, and/or;

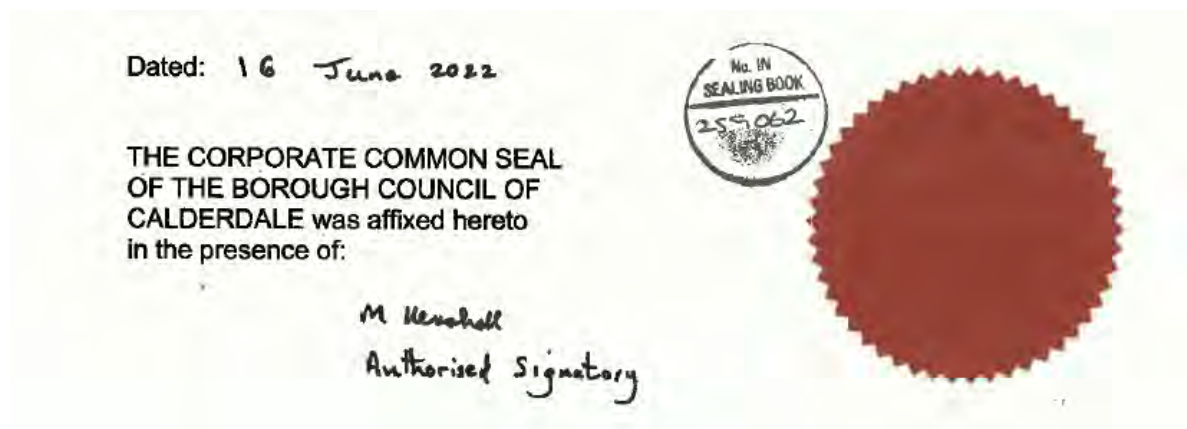
(2) All persons in charge of a dog are required to remove the faeces from the land within the restricted area forthwith, unless –

(a) He has 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 his failing to do so.
- (3) Nothing in this paragraph 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 his 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.
- (4) For the purposes of this paragraph –
- (a) 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;
- (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 have a device for or other suitable means of removing the faeces shall not be a reasonable excuse for removing 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)

Penalty

7. If a person is found to be in breach of paragraph 6 they shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.



SCHEDULE: Fouling of Land by Dogs (Calderdale) Order 2022

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
 - i. open to the air (which includes land that is covered but open to the air on at least one side); and
 - ii. to which the public are entitled or permitted to have access with or without payment
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967, and land which is classified as moorland or woodland within the administrative area of the Council.