

Anti-Social Behaviour, Crime and Policing Act 2014

Notice is hereby given that Herefordshire Council (“the council”) proposes to make a Public Space Protection Order (“PSPO”) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) for the control of dogs in its area.

On 20th October 2014 the power to make dog control orders was repealed by the Anti-social Behaviour, Crime and Policing Act 2014. Section 59 of the Act provides local authorities with powers to make Public Space Protection Orders. These orders intend to address activities carried out in the public spaces that have a detrimental effect on the quality of life of those in the locality.

The Council takes the health and well-being of the residents very seriously and seeks to promote a health, safe environment for all residents, protecting them from anti-social behaviour in the form of dog control issues.

1. The proposed PSPO will be entitled The Herefordshire Council (Dog Control) Public Spaces Protection Order and it is intended that it will come into force on or before 20th October 2017.
2. The PSPO will replace the four existing Dog Control Orders which were previously made by the council under the provisions of the Clean Neighbourhoods and Environment Act 2005 and which will cease to have effect as from 20th October 2017 in accordance with the provisions of section 75(3) of the 2014 Act (or such earlier date, if the said Orders are revoked by the Council), namely:
 - a) The Fouling of Land By Dogs (Herefordshire Council) Order 2010;
 - b) The Dogs On Leads (Herefordshire Council) Order 2010; and
 - c) The Dogs on Leads By Direction (Herefordshire Council) Order 2010;
 - d) The Dogs Exclusion (Herefordshire Council) Order 2010;
3. The proposed PSPO will have substantially the same effect as the existing Dog Control Orders, these effects being;

a) The Fouling of Land by Dogs

It will be an offence for any person in charge of a dog, which defecates on land specified within the Order, to fail to remove the faeces forthwith, unless he can show a reasonable excuse for failing to do so or the owner/occupier of the land has consented to his failing to do so.

b) The Dogs on Leads

To make it an offence for any person in charge of a dog to fail to keep that dog on a lead at all times on any land which is:

- (i) Used as a memorial, burial ground, cemetery or garden of remembrance.

c) Dogs on Lead by Direction

To make it an offence for any person in charge of a dog to fail to put and keep that dog on a lead when directed to do so by an authorised officer or agent of the Council or by a police officer in respect of any land which is open to the air and to which public are entitled or permitted to have access.

Any such direction may only be given if restraint of the dog is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which the PSPO applies or the worrying of any animal or bird.

d) The Dogs Exclusion

It will be an offence for any person in charge of a dog to take the dog onto or permit the dog to enter or remain on land within a dog exclusion zone unless he can show a reasonable excuse for doing so or the owner/occupier of the land has consented to his doing so.

Fixed Penalty Notice (FPN)

The PSPO will create a greater level of consistency across the county. All offences can be dealt with by issuing a fixed penalty notice (FPN) of £100 payable within 21 days with a reduction to £50 if paid within 10 working days. The maximum fine on summary conviction is level 3 on the standard scale; currently £1000.

Consultation

By virtue of Section 72 of the Act, before introducing a PSPO the Council is obliged to carry out consultation with the chief officer of police, the local policing body, community representatives and owners/occupiers of land covered within the order. The consultation will be publicised through the Council's website. The consultation will be open for six weeks and will end on 5th July 2017

At the closure of the formal consultation period, Herefordshire Council will review all comments and will make a decision on whether to make the order or alternative in part or in full.