

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

### **PUBLIC SPACE PROTECTION ORDER**

Barnsley Council has exercised its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and hereby makes a Public Space Protection Order for dog fouling and control borough wide.

1. This Order shall come into operation on the 3<sup>rd</sup> March 2021 and shall have an effect for 3 years thereafter, unless extended by any further order as set out in the Act.
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that activities carried out in a public place within the authority’s area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.
3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

#### **The Order:-**

##### **Dog Fouling**

It will be an offence under this part of the order if any person in control of a dog fails to remove its faeces from the land forthwith unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)  
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

### **Means to pick up**

A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)  
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

### **Dogs on a lead in a cemetery**

A person in charge of a dog within a cemetery must keep the dog on a lead at all times unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to all cemeteries across Barnsley.

### **Dogs on lead by order**

A person in charge of a dog must place it on a lead when requested to do so by an authorised officer.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)  
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

### **Dog Exclusion**

A person in charge of a dog must not take it into, or keep it within a specified or signed area. This applies at all times unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any fenced/enclosed children's play area and where there is a sign at its entrance(s) demonstrating it is a "dog exclusion area." Whether the sign uses those particular

words or words and/or symbols having like effect this condition applies within designated areas marked for children's play.

**Additional notes and definitions for the purpose of the Order:**

- **A person who habitually has a dog in their 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;**
- **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;**
- **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**
- **“an authorised officer” means an employee, partnership agency or contractor of Barnsley Council who is authorised in writing by Barnsley Council for the purposes of giving directions under the Order.**

**Fixed Penalty Notices and offences**

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this order.
2. In accordance with section 67 of the above named 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.

**Appeals**

In accordance with section 66 of the Act, any interested person who wishes to challenge 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 may apply to the High Court within six weeks from the date upon which the Order is made.

**Dated: 03/02/2021**