

Public Spaces Protection Order

WREXHAM COUNTY BOROUGH COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014

**Wrexham County Borough Council Dog Control and Dog Fouling Public Spaces Protection Order
2020**

Notice is hereby given that Wrexham County Borough Council ("the Council") in exercise of its powers under Sections 59, 63 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, makes the following Order known as:

The Wrexham County Borough Council Dog Control and Dog Fouling Public Spaces Protection Order 2020

1. This Order applies to the public places described in the Schedules to this Order and shown edged in red on the plans attached - ("the restricted areas").
2. The Council is satisfied that the two conditions below have been met, in that:
 - (i) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - (ii) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order
3. This Order will come into force on the 31st March 2020 and ends on 31st March 2023 unless extended by further Orders under the Council's statutory powers.

BY THIS ORDER

4. The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times:

(i) Dogs Excluded

a) A person in charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or to remain on land within the restricted area referred to in Schedule 1 of this Order unless

a) that person has a reasonable excuse for doing so; or

b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so; or

c) is subject to the exemptions listed in **Schedule 1**.

b) For the purposes of this article:

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(ii) Dogs on leads by direction

a) Any person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in the restricted area detailed in **Schedule 2**, unless

i) that person has a reasonable excuse for failing to do so; or

ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or

b) For the purposes of this article:

(i) A person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(ii) An authorised Officer of the Authority may only give a direction under this article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any other animal or bird on any land to which this article applies.

(iii) In this article "an authorised officer of the Authority" means a person who is authorised in writing by the Authority for the purpose of giving directions under this article.

(iii) Dogs on leads around visitor centres and car parks in parks and bowling greens

a) Any person in charge of a dog, at any time, must put and keep the dog on a lead in the restricted area detailed in **Schedule 3**, unless

i) that person has a reasonable excuse for failing to do so; or

ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so;

b) For the purposes of this article:

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(iv) Dogs on leads on Public Roads and Pavements (excluding public rights of way)

a) Any person in charge of a dog, at any time, must put and keep the dog on a lead in the restricted areas detailed in **Schedule 4**, unless

i) that person has a reasonable excuse for failing to do so; or

ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so;

b) For the purposes of this article:

(i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(v) Fouling of Land by Dogs

a) If a dog defecates at any time on land in the restricted area detailed in **Schedule 5** of this Order and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(i) That person has a reasonable excuse for failing to do so; or

(ii) The owner/occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or

(iii) That person is subject to the exemptions listed in **Schedule 5**

b) For the purpose of this article:

(i) A person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(ii) Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land.

(iii) 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.

(vi) Carrying of an appropriate receptacle or bag

a) If a dog defecates at any time on land in the restricted area detailed in **Schedule 6** of this Order and the person who is in charge of the dog at the time does not have or produce when requested, an appropriate receptacle or bag with them to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(i) That person has a reasonable excuse for failing to do so; or

(ii) The owner/occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or

(iii) That person is subject to the exemptions listed in **Schedule 6**

b) For the purpose of this article:

(i) A person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(ii) An “appropriate receptacle” means any bag or receptacle which is designed for the purpose of holding dog faeces for disposal.

5. PENALTY

i). Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at Articles 4 (i), (ii), (iii), (iv), (v) and (vi) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

6. Fixed Penalty

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £ 100 (or £75 if paid within 7 days), failing which they may be prosecuted.

7. Appeals

Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements: or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated this/~ ... day of J .. ~~..... 2020

THE COMMON SEAL OF WREXHAM COUNTY BOROUGH COUNCIL Was hereto affixed in the presence of:

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CHIEF OFFICER GOVERNANCE AND CUSTOMER

RESTRICTED AREAS

SCHEDULE 1

1) All public places within the whole area of Wrexham County Borough relating to:

- (i) Fenced children's play areas, skate parks, tennis courts and multi-use games areas.
- (ii) The playing areas of marked sports pitches
- (iii) The playing surfaces of Bowling greens

"public place" in this Order means, any place_ to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

2) Exemptions

Nothing in this Schedule 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) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance (dogs must be clearly marked as assistants) ; or
- (c) has a disability which affects that person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance (dogs must be clearly marked as assistants).

3) 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)

SCHEDULE 2

1) All public places within the whole area of Wrexham County Borough

"public place" in this Order means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

2) Exemptions

None

SCHEDULE 3

1) The visitor centres and car parks in parks and bowling greens in the Wrexham County Borough, specified below:

Alyn Waters Country Park, Gwersyllt and Llayside

Ty Mawr Country Park, Cefn Mawr

Bellevue Park

Nant Mill Visitor Centre, Coedpoeth

All Bowling Greens open to the public

2) Exemptions

None

SCHEDULE 4

1) All Public Roads and Pavements in the Wrexham County Borough (excluding public rights of way)

2) Exemptions

None

In this Order, the definition of "road" is all public highways having a right of passage for motor vehicles (which includes areas of pavement, footway and verge set aside for pedestrians within such a highway), with motor vehicles being defined in section 185(1) of the road traffic act 1988 and section 136(1) of the road traffic regulation Act 1984 as a mechanically propelled vehicle , intended or adapted for use on roads:.

SCHEDULE 5

1) All public places within the whole area of Wrexham County Borough.

"public place" in this order , means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

2) Exemptions

Nothing in this Schedule 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 that person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

3) 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)

SCHEDULE 6

1) All public places within the whole area of Wrexham County Borough.

"public place" in this order , means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

2) Exemptions

None