ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

DUDLEY METROPOLITAN BOROUGH COUNCIL PUBLIC SPACE PROTECTION ORDER (DOG CONTROL AND DOG FOULING) 2018

Dudley Metropolitan Borough Council ("the Council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers being satisfied that the conditions set out in Section 59 of the Act have been met, hereby makes the following order:

This order comes into force on 10th April 2018 for a period of 3 years.

General provisions

1. This order applies to all land within the Council’s administrative area 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. A person who fails to comply with any obligation imposed this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Obligation on persons with dogs:

3. Fouling

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at any time must remove the faeces from the land 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.

4. Exclusion

A person in charge of a dog must not take it into or keep it within an enclosed children’s play area, signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect) unless

(a) he has 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.
5. Exemptions

Nothing in this order shall apply to a person who-

(a) is registered as a blind person in a register complied under section 29 of the National Assistance Act 1948; or
(b) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

6. Fixed Penalty Fines

An authorised officer may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence in relation to this order. The Fixed Penalty will be in the sum of £100, failure to pay may lead to prosecution. A person who is guilty of an offence of failing to comply with a requirement of this Order will be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

For the purpose of this order:

- 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.
- 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 the Council who is authorised in writing by the Council.

THE COMMON SEAL of THE
BOROUGH COUNCIL OF DUDLEY
was hereunto affixed on this 10th day
of April 2018 in the presence of:-

[Signature]

SENIOR LEGAL ASSISTANT