



BOSTON BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER

Notice is hereby given of the intention of Boston Borough Council to enforce Orders pursuant to its powers under sections 59, 60, 67 & 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to Environmental Crime & Dog Control. This supersedes The Public Spaces Protection Order ***YEAR***

The land to which this Order applies (unless otherwise specified), which is within the administrative area of Boston Borough Council the Council, which is open to the air and to which the public are entitled or permitted to have access either with or without payment; and this includes all access land as specified by The Countryside and Rights of Way Act 2000.

This Order is effective for three years. The Order shall come into force at on ***DATE*** and shall expire on ***DATE***.

At any point before the expiry of this three-year period, the Council can extend this Order by up to three years if it is satisfied on reasonable grounds, that this is necessary to prevent the activities identified in the Order from occurring or recurring, or to prevent an increase in the frequency or serious activities, after that time.

Dog Control

1(a) Removal of Dog Faeces

This Order makes it an offence not to remove dog faeces from the following areas:

- Any public road;
- Any private road to which the public have access (unless the owner of the road declares that he or she does not wish the Order to cover it);
- Any public footpath;
- Any private footpath to which the public have access (unless the owner of the footpath declares that he or she does not wish the Order to cover it);
- Any other land, which is open to the air and to which the public are entitled or permitted to have access (with or without payment).

1(b) Means to Remove Dog Faeces

- A person in charge of a dog on any land detailed in Part 1(a) of this Order, must comply with a direction given to them by an Authorised Person, to produce, when requested, a device or other suitable means of removing dog faeces and transporting it to a bin



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(whether or not the dog has defecated). Failure to produce an appropriate means for removal of faeces on demand is an offence.

- Please note that “Person in charge” of a dog means a person who has the dog in his/her possession, care or company at the time the relevant offence is committed, or the person who habitually has the dog in his/her possession, care or company.
- An appropriate means is defined as any poop scoop bag, disposal bag or other suitable container for disposal of dog faeces. By way of guidance a trouser or coat or other pocket is not such an item. Neither is a handbag, rucksack, purse or sports bag.

2) Children’s Play Areas

This Order excludes dogs permanently from the following areas:

- Any fully enclosed and fenced designated children’s play area containing play equipment within the area of Boston Borough Council.

3) Dogs on Lead by Direction

- It is an offence not to place and keep a dog on a lead when requested to do so by an appropriately Authorised Person. This applies to any public open spaces as identified in the Order. This direction can be exercised when an Authorised Person feels that a dog is out of control or is causing alarm or distress to members of the public.

Exemptions

There are exemptions for any person who:

- i. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- ii. is for the time being in charge of an Assistance Dog registered with Assistance Dogs UK and upon which he/she relies for assistance.
- iii. is accompanied by an Assistance Dog, or who is training an Assistance Dog, where the dog has been trained or is being trained by a recognised charity or organisation accredited by Assistance Dogs UK (ADUK), or where the owner can demonstrate that their dog is required to assist them due to a disability within the meaning of the Equality Act 2010.

Authorised officers may request reasonable evidence that a dog is an Assistance Dog. A person shall not be required to produce documentary evidence of disability to rely on this exemption but may be asked to demonstrate that the dog is trained or being trained for assistance related purposes.



Enforcement of the Order

It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.

Boston Borough Council Officers or any other person authorised in writing, who is working on behalf of the Council referred to in this Order, will issue £100 Fixed Penalty Notices, under section 68 of the Act, to persons who fail to comply with any requirements of the Public Spaces Protection Order (PSPO). Anyone who fails to pay a Fixed Penalty Notice within the 14-day period may be prosecuted.

It is an offence for a person in charge of a dog to breach the Public Spaces Protection Order.

In accordance with section 67 of the Act, any relevant person found to be in breach of the Order is liable on summary conviction in the Magistrates Court, to a maximum penalty of a level 3 fine (£1,000).

An 'Authorised Person' means any Police Constable, Police Community Support Officer, Council Officer (or an agent contractor appointed by them and/or any appropriately authorised person acting on behalf of a Town or Parish Council) who must produce evidence of their identity upon request.

The Council is satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the required 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.

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.

Signed:

Robert Barlow
Chief Executive

Boston Borough Council

Date:

