

APPENDIX A– CONSULTATION DRAFT DOG FOULING PUBLIC SPACE PROTECTION ORDER

HART DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

THE HART DISTRICT (DOG FOULING) PUBLIC SPACES PROTECTION ORDER 2023

Hart District Council (“the Council”), in exercise of its power under section 59(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in sections 59(2) and 59(3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the “Order”):

1. This Order shall be known as the Hart District Public Spaces Protection Order 2023.
2. This Order shall come into force on _____ 2023 and shall have effect for a period of 3 years unless extended pursuant to section 60 of the Act.
3. This Order applies to the whole of the administrative area of the Council (“the Restricted Area”) as shown edged in black on the plan in the Schedule to this Order.
4. BY THIS ORDER:
If within the Restricted Area, a dog defecates at any time on land 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, and a 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:
 - 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 them failing to do so
- 5 This Order shall not apply to a person who:-
 - a. is registered as a blind person in a register compiled under S29 of the National Assistance Act 1948; or
 - b. has a disability as defined by the Equality Act 2010 or its successor and who relies upon an accredited assistance dog trained by an accredited member of Assistance dogs International (ADI) or the International Guide Dog Federation (IGDF) or other Prescribed Charity.
- 6 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 Public Place;

- 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 remove the faeces;
 - a person in charge of a dog on any Public Space must have with them appropriate means to pick up dog faeces deposited by that dog unless they have a reasonable excuse for failing to do so.
 - “Prescribed charity” shall include:
 - Dogs for the Disabled (Registered Charity Number 700454)
 - Support Dogs (Registered Charity Number 1088281)
 - Canine Partners for Independence (Registered Charity Number 803680)
 - Dog A.I.D. (Registered Charity Number 1 098619)
 - Medical Detection Dogs (Registered Charity Number 1124533)
 - Hounds for Heroes (Registered Charity Number 1134359)
- 7 A person guilty of an offence under paragraph 4 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 8 A police officer or an authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence under paragraph 4.
- 9 If any person who lives in or regularly works or visits the Restricted Area wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of..... 2023

THE COMMON SEAL OF HART DISTRICT COUNCIL

Was hereunto affixed in the presence of:-

Authorised signatory

Print Name: