

# The Fouling of Land by Dogs (Gravesham) Public Space Protection Order 2024

## Anti-Social Behaviour, Crime and Policing Act 2014

Notice is hereby given that Gravesham Borough Council ('the Council') has made the following Public Space Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act')

1. This Order is made to extend The Fouling of Land by Dogs (Gravesham) Public Space Protection Order 2021 which will expire on 31 January 2024.
2. The land specified in the Schedule being the areas in which the Act applies and that will be protected by the making of this Order.
3. The Order may be cited as The Fouling of Land by Dogs (Gravesham) Public Space Protection Order 2024.
4. The Council is satisfied, on reasonable grounds, that activities carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those living or working in or visiting the locality and the activities are or are likely to be persistent or continuing, and unreasonable and justify the condition imposed by this Order.
5. The Order takes effect on 01 February 2024 for the duration of three years.
6. The effect of the Order is to impose the following conditions of the use of the land:
  - a. If a dog defecates at any time on land to which this Order applies, any person who is in charge of the dog at that time must remove the faeces from the land. If the person fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
    - i. he 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 his failing to do so.
  - b. Nothing in this Order applies to a person who:
    - i. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948
    - ii. has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog which has been trained to assist a person with a disability.
  - c. For the purposes of this Order:
    - i. 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
    - ii. placing the faeces in a receptacle on the land which is provided for the 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
    - iv. The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation.

7. A person found in breach of any of the conditions within the Order shall, under section 67 of the Act, be liable on summary conviction to a fine not exceeding Level 3 on the standard scale or a fixed penalty notice of a maximum of £100.
8. If any interested person 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.

The signed and sealed order can be viewed at the Civic Centre by appointment.

#### Schedule to The Fouling of Land by Dogs (Gravesham) Public Space Protection Order 2024

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council, and which is
  - i. open to the air (which includes land that is covered but open to the air on at least one side) and
  - ii. to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.