

The Anti-social Behaviour, Crime and Policing Act 2014

Section 59

South Kesteven District Council (Dog Fouling) Public Spaces Order 2024

South Kesteven District Council (in this Order called “the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:

The Order is made on the _____ and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.

General Provisions:

1. This order applies to land in the Restricted Areas specified in the Schedule to this Order. This order applies to publicly accessible land across the district.
2. The Council is satisfied that both of the conditions set out in the Section 59 of the Act are satisfied, because the activity, identified in paragraph 5 of this Order, which is carried on in a public place (“the Restricted Area”) has detrimental effect on the quality of life of those in the locality and this effect is or is likely to be a persistent or continuing nature, such as to make the activity unreasonable and justifies the restrictions imposed by this Order.
3. The Order is available for inspection on the Council’s website and also by appointment, at the offices of South Kesteven District Council. Appointments can be made by contacting 01476 406080 or emails neighbourhoods@southkesteven.gov.uk.
4. If any interested person desires 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 the 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.

Prohibitions on persons with dogs under their control:

5. Dog Fouling

If a dog defecates at any time on land specified in the Schedule to this Order a person who is in charge of the dog at the time must remove the faeces from the land forthwith 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.

Exemptions

Nothing in this Order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his ability to comply with Order and the dog is their guide dog or assistance dog.

For the purpose of this Order:

- (a) Restricted Area means the land designated in the Schedule to this Order.
- (b) 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.
- (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to remove the faeces.
- (d) An assistance dog, in general, is one that is trained to aid or assist a disabled person.
- (e) An "authorised officer" means an officer who is authorised in writing by the Council for the purposes of giving directions under the Order.
- (f) This order applies to publicly accessible land across the district.

Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of an offence and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

An authorised officer may issue a fixed penalty notice (currently £100) to a person who they reasonably believe has breached the requirements of this Order. A fixed penalty notice offers the recipient the opportunity to discharge the liability to conviction for the offence by paying the fixed penalty notice within 14 days of issue of the notice.

Date Order Made:

Executed as a DEED by affixing the)

COMMON SEAL of SOUTH KESTEVEN)

DISTRICT COUNCIL)

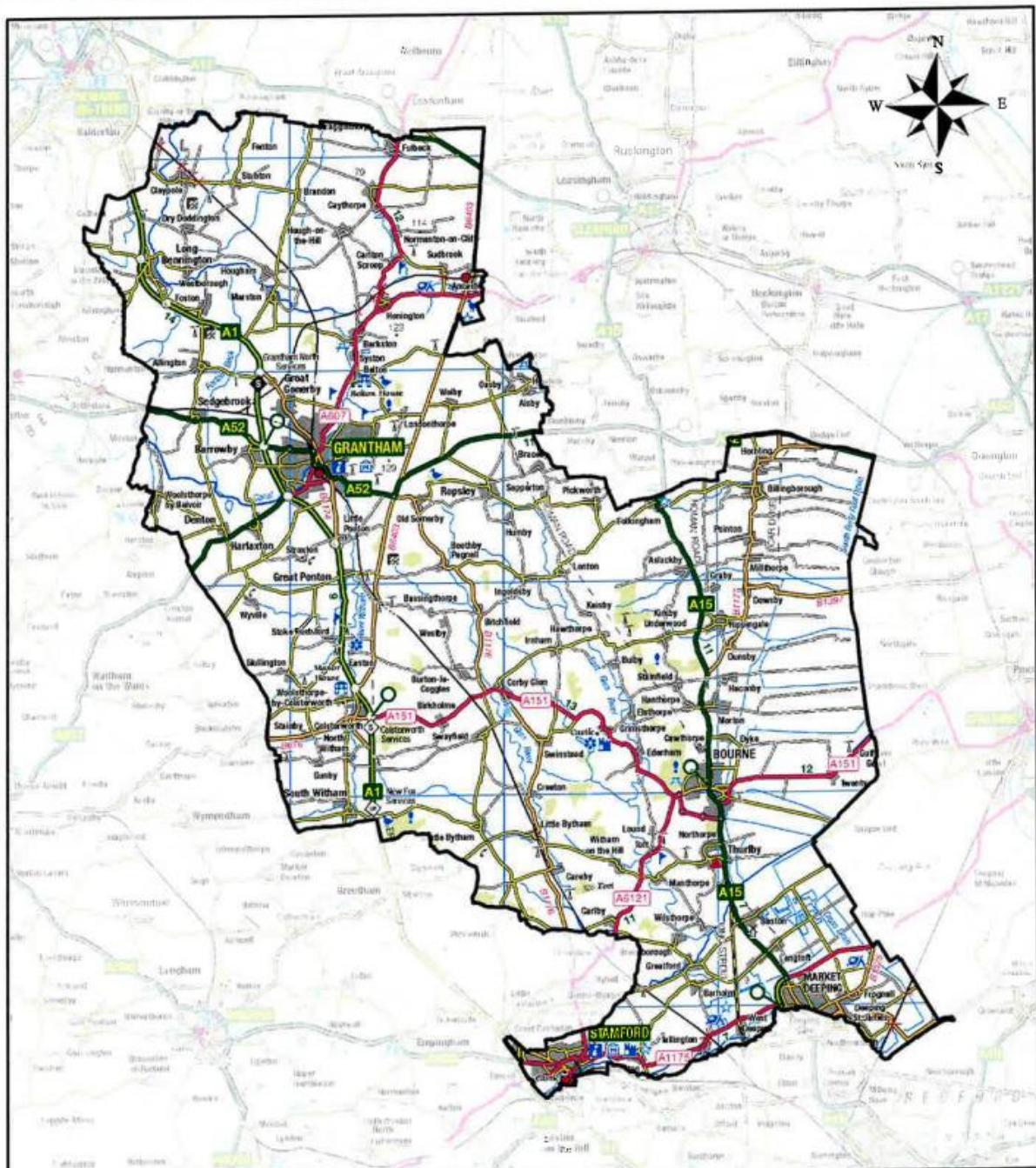
In the presence of:

Full name:

Schedule

This Order applies to all land which is within the administrative area of South Kesteven District Council, edged black on the attached plan, which is open to the air (which includes land which is covered, but open to the open air on at least one side) and to which the public are entitled or permitted to have access (with or without payment).

South Kesteven



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

© Crown copyright and database
rights 2020 Ordnance Survey
100018662