

**MENDIP DISTRICT COUNCIL PROPOSED
DISTRICT WIDE PUBLIC SPACES PROTECTION ORDER
(No.1 of 2017)**

NOTICE is hereby given that Mendip District Council ("the Council") in exercise of the power under Sections 59, 63 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied that the conditions set out in section 59 of the Act have been met proposes to make a District Wide Public Spaces Protection Order under Section 59 of the Act.

When the Order comes into effect dog fouling will be prohibited on the land to which the Order relates ("the restricted area"), dogs will be required to be put on leads in the restricted area at the direction of an authorised person and directions by authorised persons in relation to the consumption of intoxicating substances and in relation to the surrender of intoxicating substances must be complied with.

A copy of the proposed Order and accompanying documents may be viewed free of charge at Mendip District Council Reception, Cannards Grave Road, Shepton Mallet BA4 5BT during normal working hours Monday to Friday. Details may also be viewed on the Mendip District Council website at www.mendip.gov.uk.

The proposed Order is shown in the schedule below.

Representations on the proposed District Wide Public Spaces Protection Order (No.1 of 2017) should be made to Mendip District Council by **12 midnight on the 3rd October 2017** either in writing to:

Community Safety (Public Consultation)
Mendip District Council
Cannards Grave Road
Shepton Mallet
Somerset.
BA4 5BT

Or by email addressed to environmental.health@mendip.gov.uk

Representations received after 12 midnight on the 3rd October 2017 cannot be accepted.

SCHEDULE 1

MENDIP DISTRICT COUNCIL PROPOSED DISTRICT WIDE PUBLIC SPACES PROTECTION ORDER (No. 1 of 2017)

The land shown edged with a broken red line on the attached map at Annex 1 being land in the area of the Council is land (the “restricted area”) to which the Anti-social Behaviour, Crime and Policing Act applies and will be protected by the making of this Order.

The order may be cited as the Mendip District Council District Wide Public Spaces Protection Order (No.1 of 2017) and shall come into force on the [insert date] for the duration of three years.

Offences

1. Dog Fouling

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 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.

2. Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, within the restricted area he does not comply with a direction given to him by an authorised person of the authority to put and keep the dog on a lead 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.

An authorised person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Intoxicating Substances

Persons within the restricted area who fail to stop consuming intoxicating substances when directed by an authorised person or who fail to surrender intoxicating substances in their possession to an authorised person when requested shall be guilty of an offence.

Intoxicating substances are given the following definition (which includes Alcohol and Drugs); substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for valid and demonstrable medical use only.

4. Exemptions

Nothing in this order shall apply to a person who –

- (i) Is registered blind in a register compiled under section 29 of the National Assistance Act 1948; or
- (ii) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon he relies for assistance ;or
- (iii) A person with a disability which effects his mobility, manual dexterity, physical coordination or ability to lift ,carry or otherwise move everyday objects and who relies for assistance on a dog trained by a prescribed charity .

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 land;

- Being unaware of the defecation (whether by reason or 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 faeces;
- An “authorised person” has the same meaning as under Section 63 of the Act that is, “a person authorised for the purposes of this section by the local authority that made the Public Spaces Protection Order (or authorised by virtue of section 69(1) of the Act”, i.e. a Police Community Support Officer.
- Each of the following is a “prescribed charity”
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity number (1088281)
 - Canine Partners for Independence (registered charity number 803680)

5. Failure to comply with this order

A person guilty of an offence under this order is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

Any person who fails without reasonable excuse to comply with a requirement under the order is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.

6. Appeals

An interested person may apply to the High Court to question the validity of -

- (a) a Public Spaces Protection Order, or
- (b) a variation of a Public Spaces Protection Order.

The application must be made to the High Court within the period of six weeks beginning with the date on which the order or variation is made.

An interested person is someone who lives, regularly works in, or visits the restricted area.

Interested persons can challenge the validity of this order on the grounds; that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the

ANNEX 1

(Attach Map) Title of Map needs to change to “Mendip District Council District Wide Public Spaces Protection Order (No. 1 of 2017)”