

Colchester Borough Council

Anti-social Behaviour, Crime and Policing Act 2014

**THE COLCHESTER BOROUGH COUNCIL (DOG FOULING)
PUBLIC SPACES PROTECTION ORDER 2016**

The Colchester Borough Council (“the Council”) makes this Order under section 59 of the 2014 Act, having consulted as required by section 72.

The Order takes effect on **17 October 2016** and has a duration of 3 years.

It applies to all land in the administrative area of the Council 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. A plan of the administrative area of the Council is attached to the Order.

The Council is satisfied that activities have been carried out in this Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature, is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The activities carried out are as follows:

Some members of the public walk their dogs and allow them to defecate in public areas, without removing the waste. This causes nuisance and a risk to public health.

The Council therefore under section 59(4) requires:

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

Failure without reasonable excuse to comply with the requirement imposed by this Order is a summary offence under section 67 of the 2014 Act.

A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

Exemptions:

Nothing in this order shall apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

Correspondence:

Any correspondence regarding this matter should be made to:

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Colchester Borough Council
Rowan House
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Colchester
CO3 3WG

Email. Andrew.D.Williams@colchester.gov.uk

Signed

By authority of the Colchester Borough Council under section 101 of the Local Government Act 1972

Rowan House
Sheepen Road
Colchester

Dated