

# **TAMWORTH COMMUNITY SAFETY PARTNERSHIP**

## **NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER**

### **Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

#### **Public Space Protection Order (Tamworth Dog Control)**

In relation to evidence that has been gathered and reviewed relating to Tamworth Dog Control Orders (2012) the Tamworth Community Safety Partnership (lead agency Tamworth Borough Council), intends to apply a Public Spaces Protection Order.

The Public Space Protection Order (PSPO) covers four areas of dog control:

- A. The Fouling of Land by Dogs**
- B. Dogs on leads**
- C. Dogs on leads by direction**
- D. Dogs exclusion**

#### **A. The Fouling of Land by Dogs**

This relates to the offence of fouling of land by dogs. The public health implications of dog foul are well documented.

If a dog defecates at any time on land to which this order applies, and the person who is in charge of the dog at that 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 his failing to do so;

This Order applies to land described in the Schedule A below, being land in the area of Tamworth Borough Council.

For the purpose of this article:

- a. placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- b. 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;

#### **Schedule A: Dog fouling of land**

Subject to the exception in paragraph 2 below, this Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and 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:
  - i. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - ii. agricultural land.

## **B. Dogs on Leads**

Dogs whilst not on a lead and poorly supervised, or startled, have a greater potential to cause road traffic accidents, or to cause injury to pedestrians and other dogs. The restrictions in this Order are designed to facilitate a sharing of our public spaces, whilst recognising that dogs do need to be exercised off lead.

A person in charge of a dog shall be guilty of an offence, if at any time, they fail to keep their dog on a lead, unless:

- a. he has a reasonable excuse for failing to do so, or
- b. the owner, occupier, or other person, or other authority having control of the land has given consent (generally or specifically);

This part of the Order applies to land described in the Schedule B below being land in the area of the Council.

### **Schedule B: Dogs on leads**

1. Subject to the exception in paragraph 2 below, this Order applies to the following designated land:-

Amington Cemetery, Wilnecote Cemetery (Old and New), Glascote Cemetery, Wigginton Cemetery, Anker Valley Sports Pitches, Pedestrian area of the Town Centre, Upper and Lower Lawn (Castle Grounds), St Edithas Church Graveyard and all current and future public footpaths and grass verges to highways in Tamworth (as defined by the Road Traffic Act 1988)

2. Excepted from the description in paragraph 1 above is:
  - i. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - ii. agricultural land.



## **C. Dogs on leads by direction**

In parts of the Borough where dogs are permitted off leads, a minority of irresponsible dog owners allow their dogs to cause damage to property, and cause problems for pedestrians and other dog owners.

This part of the Order is designed to enable authorised Council Officers/Police to direct that the owner put their dog on a lead.

A person in charge of a dog will be guilty of an offence if at any time, on land to which this Part applies, they fail to comply with a direction given them by an authorised officer of the Council to put and keep the dog on a lead, 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 given consent (generally or specifically);

For the purposes of this request an authorised officer of the Council/Police may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this order applies.

This Part of the Order applies to land described in Schedule C below being land in the area of the Council.

### **Schedule C: Dogs on leads by direction**

Subject to the exception in paragraph 2 below, this Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and 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:
  - i. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - ii. agricultural land.



## **D. Dogs exclusion**

There are specific parts of the Borough from which dogs should be excluded for their safety and that of pedestrians, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land specified in the Order, 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 given consent (generally or specifically);

This Part of the Order applies to the land described in Schedule D below being land in the area of the Council.

### **Schedule D: Dogs exclusion**

1. Subject to the exception in paragraph 2 below, this Order applies to designated play areas (fenced or unfenced) within the Borough of Tamworth as specifically but not excluding other designated areas and future areas as follows –

Amington Recreation Play Area, Beauchamp Road Play Area, Brendon /Ealingham Play Area, Castle Pleasure Grounds Activity Centre (former outdoor swimming baths), Castle Pleasure Grounds Play Area, Castle Grounds Skate Park, Castle Grounds Tennis Courts, Crowden Road Play Area, Dosthill Park Play Area, Hamble Play Area, Hawksworth Play Area, Irwell Play Area, Lakenheath Play Area, Lakeside Park Play Area, Linthouse Walk Play Area, Lothersdale Play Area, Park Farm Road Play Area, Parkfield Crescent Play Area, Rainscar Play Area, Reedmace Play Area, St Georges Way/Rosemary road Play Area, Wigginton Park Play Area

2. Excepted from the description in paragraph 1 above is:

- i. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
- ii. agricultural land.

### **General Point For the purpose of parts A, B, C, and D of this Public Space Protection Order:**

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



For the purpose of this article, 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.

### **Offences under this Public Space Protection Order**

A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

This order may be cited as 'The Public Space Protection Order (Tamworth Dog Control)' and shall come into force on 20 October 2020 and remain in force for a period of three years. *(Previous Order 20 October 2017 – 19 October 2020)*

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 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.

