

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, (SECTION 59)

BOROUGH OF TELFORD & WREKIN DOG CONTROL PUBLIC SPACES PROTECTION ORDER 2021

1. This Order is made by the Borough of Telford & Wrekin (the 'Council') and shall be known as the Borough of Telford & Wrekin Dog Control Public Spaces Protection Order 2021. It shall apply to the whole of the area shaded pink in the attached map at Schedule 1.
2. The Council is satisfied on reasonable grounds that the following conditions are met:
 - (i) the Activities described below ('the Activities') are carried on in a public place within the Council's area and are having a detrimental effect on the quality of life of those in the locality; and that
 - (ii) the effect, or likely effect, of the Activities:
 - a) is, or is likely to be, of a persistent or continuing nature;
 - b) is, or is likely to be, such as to make the Activities unreasonable; and
 - c) justifies the restrictions imposed by the Order.
3. The Council has had particular regard to the rights and freedoms set out in the European Convention on Human Rights and has concluded that the restrictions imposed by this Order are lawful, necessary and proportionate.
4. In exercise of its powers under sections 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') and all other enabling powers, and having had regard to section 72 of the Act, the Council hereby makes the following Order:

The Activities

5. The Activities to which this Order relate are:
 - 5.1 Dog fouling and removal of dog faeces; and
 - 5.2 The walking of dogs in specified areas.

The Requirements

Dog Fouling

6. A person in charge of a dog in any public place within the area of the Borough of Telford & Wrekin must forthwith clear up and remove any faeces deposited by the dog and either take away the faeces or place the faeces in a dog waste bin.
7. A person in charge of a dog in any public place within the area of the Borough of Telford & Wrekin must comply with any request from an authorised officer of the Council, a Constable or Police Community Support Officer to clear up and/or remove any faeces deposited by the dog where they have otherwise failed to do so. The faeces must either be taken away or placed in a dog waste bin.
8. A person in charge of a dog in any public place within the area of the Borough of Telford & Wrekin must have with them an appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer of the Council, a Constable or Police Community Support Officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Exclusion of Dogs in Specified Areas

9. A person in charge of a dog is prohibited from allowing the dog to enter a fenced/ enclosed area situated within the area of the Borough of Telford & Wrekin which is signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect).
10. A person in charge of a dog is prohibited from allowing the dog to enter any enclosed public children’s play area, adventure playground or similar such enclosed area (“or similar”) situated within the area of the Borough of Telford & Wrekin.

Exemptions from Order

11. 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

carry or move everyday objects and also who relies upon a dog trained by a Prescribed Charity for assistance.

Duration

12. The Order shall take effect on 27th July 2022 and has effect for 3 years subject to any variation or extension of the Order.

Interpretation

13. For the purpose of this order:

- a. A public space includes any place 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, for example, a public highway/footpath, a park, a playing field, a shopping centre.
- b. The area of the Borough of Telford & Wrekin is as shown as the area shaded Pink in the Map at Schedule 1.
- c. A person who habitually has a dog in their 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.
- d. Placing the faeces in a receptacle provided for that purpose in the area shall be sufficient removal from the land.
- e. 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.
- f. "An authorised officer of the Council" means an employee, partnership agency or contractor of Telford & Wrekin Council who is authorised by Telford & Wrekin Council for the purposes of giving directions under the Order.
- g. each of the following is a "Prescribed Charity" for the purposes of the exemptions under this Order:
 - (i) Hearing Dogs for Deaf People (registered charity number 293358);
 - (ii) Dogs for the Disabled (registered charity number 700454);
 - (iii) Support Dogs (registered charity number 1088281);
 - (iv) Canine Partners for Independence (registered charity number 803680);
 - (v) Assistance Dogs UK (registered charity number 1092960)

(vi) The Kennel Club Charitable Trust (registered charity number 327802)

(vii) Dogs Trust (registered charity number 227523)

Penalty

14. Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is an offence under Section 67 of the Act. A person guilty of an offence under Section 67 of the Act is liable upon conviction in a Magistrates' Court to a fine not exceeding level 3 on the standard scale or a fixed penalty notice not exceeding a maximum of £100.00.

Appeal

15. If any interested person wishes to challenge the validity of this Order on the ground that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to the making of this Order, he or she may apply to the High Court to make such a challenge within six weeks from the date on which this Order is made.

The Common Seal of the Borough of Telford
& Wrekin was hereto affixed this 27th day of

July

2022 in the presence of:

RICHARD PHILLIPS
SERVICE DELIVERY MANAGER:
LEGAL & DEMOCRACY



921/22
DA DS
26/7/2022

SCHEDULE 1

THE AREA OF THE BOROUGH OF TELFORD & WREKIN



