

The Public Spaces Protection Order (Mid Sussex District Council) 2020

Mid Sussex District Council ("the Authority") has made the following Public Spaces Protection Order under Chapter 2 section 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

Mid Sussex District Council being satisfied that dog faeces which is not immediately removed from land has a detrimental effect on the quality of life of the general public and the public health implications of dog faeces is well documented hereby makes the following Dog Fouling Order:

The Order comes into force on 4th November 2020 for a period of 3 years.

In this Order an "Authorised Officer" means an employee of the Authority or a Town or Parish Council Officer who is authorised in writing by the Authority for the purposes of giving directions under this Order, together with any Police Constable or PCSO (Police Community Support Officer).

Offences

1. Dog Fouling.

- 1.1 This clause applies to land specified in Schedule of Land – Schedule 1 attached to this Order.
- 1.2 If a dog defecates at any time on land to which this Order applies and a 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
- 1.3 If a person who is in charge of a dog does not have or produce when requested by an Authorised Officer a receptacle for picking up dog faeces, that person shall be guilty of an offence.
- 1.4 A Receptacle is defined as any object capable of holding faeces for disposal.
- 1.5 Placing the receptacle containing the faeces in a bin on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- 1.6 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- 1.7 Nothing in clause 1 applies 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) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in

respect of a dog trained by a prescribed charity and upon which he relies for assistance.

1.8 For the purposes of clause 1 –

- (a) 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; and
- (b) each of the following is a “prescribed charity” –
 - (i) Dogs for the Disabled (Registered Charity Number 700454);
 - (ii) Support Dogs (Registered Charity Number 1088281);
 - (iii) Canine Partners for Independence (Registered Charity Number 803680)
 - (iv) Dog A.I.D (Registered Charity Number 1098619)
 - (v) Medical Detection Dogs (Registered Charity Number 1124533)

Penalty

1.9 A person who is guilty of an offence under clause 1 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL

This 5th day of November 2020

In the presence of

Authorised Officer:

T. Ch...



SCHEDULE OF LAND – SCHEDULE 1

This Order applies to all land in the administrative area of Mid Sussex District Council that is open to the air to which the public are entitled or permitted to have access (with or without payment).

For the purposes of this Schedule, land which is covered is to be treated as land which is ‘open to air’ if it is open to the air on at least one side