



COTSWOLD DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER (PSPO 1/2018)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59

Cotswold District Council makes this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. Further, Cotswold District Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent in nature, such as to make the activity unreasonable and justifies the restriction imposed on this notice.

Cotswold District Council hereby requires by way of this Order that

1. The activities described below are hereby prohibited as from the date of this Order:
 - (1) If a dog defecates at any time on the land to which this Order applies 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) Nothing in this article 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 co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
 - (3) For the purpose of this article –
 - (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;
 - (b) 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 the land;
 - (c) 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;

- (d) 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)
2. This Order applies to all land which is within the administrative area of Cotswold District Council and which is -
- (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
 - (ii) including land which is within the administrative area of Cotswold District Council to which the public are entitled or permitted to have access with or without payment of the following descriptions:
 - a. Any highway, footway, footpath and towpath over which the public have a right of way on foot and adjoining verges which are maintained at public expense. This may include some areas of access land;
 - b. All pedestrianised areas to which the public have access;
 - c. Open spaces which are owned, occupied or maintained by or on behalf of Cotswold District Council, Gloucestershire County Council, a Registered Social Landlord/Housing Association or any Town or Parish Council within Cotswold District Council including car parks, parks, play areas and sports grounds;
 - d. Any cemetery, burial ground or churchyard;
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.
3. If without reasonable excuse you breach the prohibition in paragraph 1 you may be issued with a fixed penalty notice of £100 or prosecuted reduced to £75 for early payment (within 14 days). If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 3 on the standard scale (currently £1,000).
4. This Order shall remain in place until for 3 years

THE COMMON SEAL of)
 COTSWOLD DISTRICT COUNCIL)
 affixed hereto is authenticated by the)
 undermentioned person authorised by the)
 Council to act for that purpose:)
 Head of Paid Service)




Schedule 1.

CHALLENGING THE VALIDITY OF ORDERS

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

- A) This Order, or
- B) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Cotswold District Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order if varied);
- b) A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to Order or variation.