

The Anti-Social Behaviour, Crime and Policing Act 2014
Public Space Protection Order
Fouling of Land by Dogs
The District of North Norfolk- Order: NNDC001
North Norfolk District Council 2018

North Norfolk District Council (“the Council”) hereby makes the following Order:

This Order is made by the Council in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). The Council is satisfied that the activities, namely:

- Fouling of land by dogs

Being carried within the District of North Norfolk (“the Public Space”) is likely to have a detrimental effect and that such activities may be of a persistent or continuing nature and the restrictions imposed by this notice are justified.

1. Duration of the Order

This Order comes into force on 1st April 2018 for a period of three years, unless extended by further Orders under the council’s statutory powers.

2. The Restricted Area

This Order relates to the area known as the District of North Norfolk, shown in red on the plan in Schedule 1 of this Order, (“the Restricted Area”). This Order relates to all public/private land open to the air to which the public have access with or without payment (restricted area shown in Schedule 1 is defined by the red boarder and hatching including the highway and highway boundary which the red boarder runs through).

3. The Restrictions

If, within the District of North Norfolk, a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission the person who is in control of the dog at that time shall remove the dog’s faeces from the land forthwith. This restriction is subject to the exemptions as stated in Article 4.

4. Exemptions

The restrictions defined in Article 2 of this Order shall not apply to a person who is:

- (a) registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
- (b) has a disability that affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which they rely for assistance.

5. Definitions

- (a) A person who habitually has a dog in their possession shall be considered in control of the dog at any time unless at that time another person is in control of the dog.

- (b) Placing dog faeces in a suitable waste disposal receptacle shall be considered sufficient removal to satisfy the requirement of Article 3.
- (c) The Council does not consider being unaware of dog 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 as an acceptable reason for failing to remove the faeces as require by Article 3.

6. Offences

Contrary to section 67 of the Act, it is an offence for a person, without reasonable excuse, to do anything that the person is prohibited from doing by this Order or fails to comply with a requirement Order. A person guilty of an offence is liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Pursuant to section 68 of the Act, a Constable or authorised person, may issue a fixed penalty notice to anyone he or she has reason to believe has committed the offence specified above. This gives the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

7. Right to Appeal

Any interested person wishing to challenge the validity of this Order must do so within 6 weeks beginning with the date on which this Order is made or, if applicable, varied. An application under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 is to the High Court.