

The Public Spaces Protection Order 2023 No.: 2023-XXX

Anti Social Behaviour, Crime and Policing Act 2014 (“the Act”)

Melton Borough Council (“the Authority”) has made the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that:

- (a) Activities as described in this order and carried out in a public place within its area have had a detrimental effect on the quality of life of those living in the locality and/or
- (b) It being likely that activities will be carried out in a public place and that they will have such an effect

And that the effect or likely effect of the activities

- (a) Is or is likely to be of a persistent or continue nature
- (b) Is or is likely to be such as to make the activities unreasonable; and
- (c) Justifies the restrictions imposed by this Order

And pursuant to the requirements of section 72 of the Act the Council:

- (a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and
- (b) having carried out the necessary consultation, notification and publicity:

HAS DECIDED TO MAKE this Public Spaces Protection Order under section 59 of the Act.

This Order comes into force on 1st January 2023 and shall have effect for a period of 3 years, unless extended by further orders under Melton Borough Council's statutory powers.

In this Order:

- an “Authorised Officer of the Authority” means an employee of Melton Borough Council who is authorised in writing by the Authority for the purpose of giving directions under this Order.
- an “Authorised Person” includes Authorised Officer of the Authority”, Police Officers (including Police Community Support Officer (PCSO’s) and Police Constables).

This order incorporates:

Article 1.0 - Dog Fouling in specified areas:

- 1.1 This article applies to land specified in Schedule 1 of this Order.
- 1.2 If a dog defecates at any time on any land to which this article 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/authority having control of the land has expressly consented to his failing to do so;
 - (c) The person is subject to the exemptions listed below.
- 1.3 For the purposes 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 faeces in a receptacle on the land which is provided for the purpose, or disposal of waste, shall be sufficient removal from the land;
 - (d) 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.
- 1.4 In accordance with section 67 of the Act a person who is guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Article 2.0 - Failing to produce a device or other means of removing dog faeces on demand

- 2.1 This article applies to land specified in Schedule 1 of this Order.
- 2.2 If at any time on any land to which this article applies, a person who is in charge of a dog at any time fails to produce forthwith a device for or other suitable means of removing dog faeces (whether or not the dog has defecated) when asked to do so by an Authorised Person, 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/authority having control of the land has expressly consented to his failing to do so;
 - (c) The person is subject to the exemptions listed below.
- 2.3 For the purposes of this article, a person who 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.
- 2.4 In accordance with section 67 of the Act a person who is guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Article 3.0 – Dogs on Lead by Direction

- 3.1 This article applies to land specified in Schedule 1 of this Order.
- 3.2 A person who is in charge of a dog, whether it is out of control and/or causing a nuisance and/or there are grounds for reasonable apprehension that it will injure any person or assistance dog, shall be guilty of an offence if, at any time, on any land to which this article applies he does not put the dog on a lead and keep the dog on the lead of not more than five (5) metres in length, unless –
- (a) He has a reasonable excuse for failing to do so; or
 - (b) The owner, occupier or other person/authority having control of the land has expressly consented to his failing to do so.
 - (c) The person is subject to the exemptions listed below.
- 3.3 For the purposes 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.
- 3.4 In accordance with section 67 of the Act a person who is guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Article 4.0 – Dog Exclusion in Enclosed Children’s Play Areas

- 4.1 This article applies to enclosed children’s play areas within the Borough Of Melton as per the plan in Schedule 1
- 4.2 A person who is in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this article applies unless:
- (a) He has a reasonable excuse for failing to do so; or
 - (b) The owner, occupier or other person/authority having control of the land has expressly consented to his failing to do so;
 - (c) The person is subject to the exemptions listed below.
- 4.3 For the purposes 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.
- 4.4 In accordance with section 67 of the Act a person who is guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

All articles shall apply to all land within the Borough of Melton which is open to the air (including covered land which is 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.

Exemptions:

Nothing in these articles shall apply to:

1. A person who is registered blind in a register pursuant to section 28 of the National Assistance Act 1948, or “severely sight impaired”, or “site impaired” under the Care Act 2014;
2. Has a disability which affects 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 which they rely for assistance. The following are deemed a “prescribed charity”
 - a. Dogs for the Disabled;
 - b. Support Dogs;
 - c. Canine Partners for Independence;
 - d. Hearing Dogs for Deaf People;
 - e. Any other Charity created subsequent to this Order which covers the issues detailed in this point 2.
3. Land used for agriculture and woodlands;
4. Rural common land.

Penalty/Offence:

Any person who fails without reasonable excuse to comply with any of the requirements of the articles in this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An Authorised Person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.

For the purposes of this Order, an authorised person means a Constable or a person who is authorised in writing by the Council.

Failure to pay a fine could lead to prosecution.

Made:

The Common Seal of the

MELTON BOROUGH COUNCIL

was hereto affixed

in the presence of:

.....

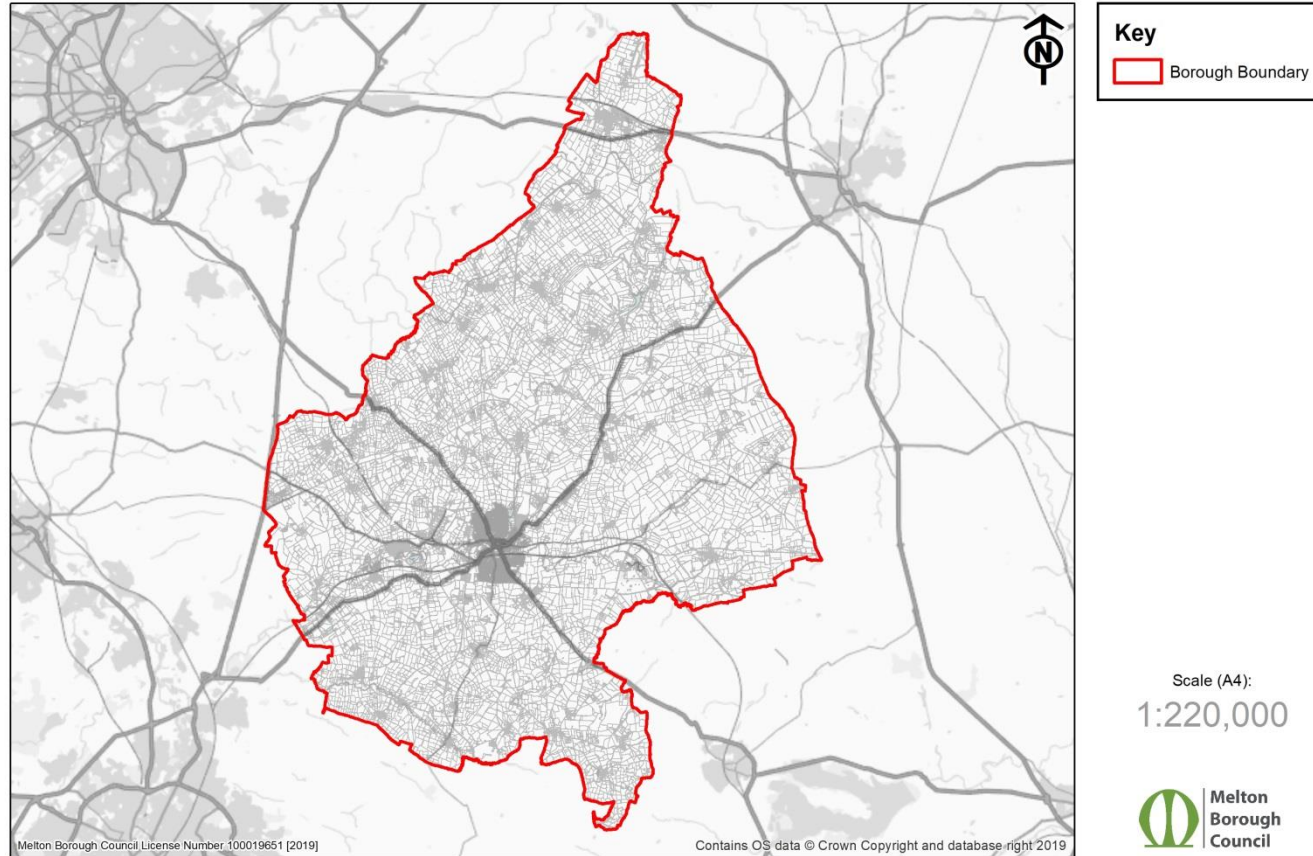
Authorised Signatory

Schedule 1

The Public Spaces Protection Order

PSPO Articles 1.0, 2.0, 3.0 & 4.0

Note: PSPO Article 4.0 will apply to any enclosed children's play areas.



Public spaces within the Borough of Melton (shown edged red on the plan attached), being Public Places in the Authority's area to which articles 1.0, 2.0, 3.0 and 4.0 (enclosed children's play areas only) of this Order and the Act apply.

Link to interactive map <https://meltonborough.maps.arcgis.com/apps/webappviewer/index.html?id=0aa8276f37914c62bb3fe4aab65590ac>