

Appendix 1

DRAFT OXFORD CITY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

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Oxford City Council (the Council) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

Dogs on Leads

1. Any person in charge of a dog in a public place within the Restricted Area shall be in breach of this Order if he/she, at any time, on any land in the Restricted Area, does not comply with a direction given by an Authorised Officer to put and keep the dog on a lead, unless:
 - a. he/she has a reasonable excuse for failing to do so; or,
 - b. the owner, occupier or other person or authority having control of the relevant land has consented to him/her failing to do so.
2. For the purposes of this article an Authorised Officer of the Council may only give such a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person, animal or bird.

Specified Number of Dogs

3. A person found to be in charge of more than four dogs at the same time whilst in a public place within the Restricted Area shall be in breach of this Order, unless:
 - a. he/she has a reasonable excuse for doing so; or,
 - b. the owner, occupier or other person or authority having control of the relevant land has consented to him/her doing so.

Dog Fouling of Land

4. Any person in charge of a dog in a public place within the Restricted Area shall be in breach of this Order if he/she, at any time, fails to remove the faeces from the land forthwith, unless:
 - a. he/she has a reasonable excuse for failing to do so; or,

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- b. the owner, occupier or other person or authority having control of the relevant land has consented to his failing to do so.
- 5. 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.
- 6. 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.

Exclusion from Children's Play Areas

- 7. A person in charge of a dog shall be in breach of this order if, at any time, he/she takes the dog onto, permits the dog to enter or to remain on, any land within the restricted area specified in article 8 of the Order, unless:
 - a. he/she has a reasonable excuse for failing to do so; or,
 - b. the owner, occupier or other person or authority having control of the relevant land has consented to his failing to do so.
- 8. This article applies to all land in the Restricted Area comprising any fenced (and /or hedged and/or walled) children's play area signed at its entrance(s) as a 'dog exclusion area' (whether the sign uses those particular words or words and/or symbols having a like effect).

Definitions

- 9. The Authority means Oxford City Council (the Council).
- 10. Authorised Officer means a police officer, an employee, agent, contractor of the Council or other person who is authorised in writing by the Council.
- 11. Person in charge means the person who has the dog in his/her possession, care or company at the time the relevant offence is committed, or, the person who habitually has the dog in his/her possession, care or company.
- 12. Relevant Land means the piece of land in the Restricted Area.
- 13. Restricted Area means the land designated in the Schedule Of Land to this Order.

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14. The Order applies to all times of day and night.

15. This Order comes into force on XX November YYYY and will remain in force for a period of three years from that date.

Exemptions

16. Nothing in the proposed Order shall apply to a person who –

- a. Is registered as a blind person on a register compiled under section 29 or the National Assistance Act 1948; or
- b. Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (register charity number 293358) and upon which the person relies for assistance; or
- c. Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out common day-to-day activities in respect of a dog trained by any current or future members of Assistance Dogs UK, or any other charity registered in the UK with a purpose of training assistance dogs and upon which the person relies for assistance
- d. Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

Penalty

17. Any person who, without reasonable excuse fails to comply with this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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SCHEDULE OF LAND

This Order applies to all land in the administrative area of Oxford City Council that is open to the air and to which the public are entitled to 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 the air' if it is open to the air on at least one side.

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) Oxford City 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 as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

Date:

Signature:

Position: