

THE COUNCIL OF THE BOROUGH OF KIRKLEES

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTIONS 59

**THE COUNCIL OF THE BOROUGH OF KIRKLEES (DOG EXCLUSION) PUBLIC SPACE
PROTECTION ORDER 2023**

This Order is made by the Council of the Borough of Kirklees (“the Council”) under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

1. This Order relates to the places described in the Schedule below and defined by the red outlined area on the plans attached to this Order (“the Restricted Area”), being public places in the Council’s area to which the Act applies.
2. The Council is satisfied that the two conditions below have been met, in that:
 - a. Activities carried on in the Restricted Area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect, the said activities being dog walking/dog exercising.
 - b. That the effect, or likely effect, of the activities described above –
 - i. Is, or is likely to be, of a persistent or continuing nature;
 - ii. Is, or is likely to be, such as to make the activities unreasonable; and
 - iii. Justifies the restrictions imposed by this Order.
3. The effect of this Order is to impose the following requirements at all times namely that any person in charge of a dog shall not take the dog onto, or permit the dog to enter or remain on, the Restricted Area unless:
 - a. The person 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.
4. Nothing in Article 3 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. Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or
 - c. Has a disability which affects the person’s 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 the person relies for assistance.

5. For the purposes of Article 3:

- a. A person who habitually has a dog in their 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).

6. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council’s statutory powers.

7. Any person who fails without reasonable excuse to comply with a requirement imposed upon him by this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or may be issued with a fixed penalty notice requiring payment of a sum not exceeding £100.00.

GIVEN under the Signature of the Council of the Borough of Kirklees this Second day of April Two Thousand and Twenty Three.

SIGNED on behalf of **THE COUNCIL OF THE BOROUGH OF KIRKLEES**



Graham West – Service Director for Environment and Climate Change

SCHEDULE

This order applies to land which is within the Council of the Borough of Kirklees as highlighted in red in the attached plans which is described as:

- a. Children's play areas, paddling pools and an area signed at its entrance(s) as a 'dog exclusion area' (whether the sign uses those particular words or words and/or symbols having like effect) which are designated and marked for children's play.
- b. Games areas e.g. tennis and ball courts, multi-sports areas, skate parks.