

THE COUNCIL OF THE BOROUGH OF KIRKLEES

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

THE COUNCIL OF THE BOROUGH OF KIRKLEES (FOULING OF LAND BY DOGS) 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 fouling.
 - 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 which defecates on land in the Restricted area shall remove the faeces from the land forthwith 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. 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 he 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;
 - b. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a 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).
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. Where a map attached to this Order refers to a specific period of the year, Article 3 shall only apply during that period.
8. 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

All land within the Council of the Borough of Kirklees 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 within the area edged with a bold red line on the map headed "Fouling on Land by Dogs" attached to this Order and including the footpaths shown coloured with a bold purple line on the plans attached to this Order.

OTHER THAN:

- a) Land used for agriculture or woodlands unless specifically included within this order as shown on one of the other maps attached to this order.
- b) Land which is predominately marshland, moor or heath.