

**ISLE OF WIGHT COUNCIL PUBLIC SPACES PROTECTION ORDER
(DOG FOULING) 2020**

Isle of Wight Council (“the Council”), in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) makes the following Order:

1. This Order may be cited as the Isle of Wight Council Public Spaces Protection Order (Dog Fouling) 2020.
2. This Order takes effect on the date of sealing and continues to have effect for a period of three years thereafter unless extended by further orders under the Council’s statutory powers.
3. This Order applies to the Restricted Area.
4. The effect of this Order is to control dog fouling and removal of dog faeces within the Restricted Area at all times.
5. The Council makes this Order on the basis that it is satisfied on reasonable grounds that, without these controls, the activities carried on or that are likely to be carried on in the Restricted Area will have a detrimental effect on the quality of life of those in the locality. That detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, and is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Removal of Dog Faeces

6. This Order provides for the removal of dog faeces by a person in charge of a dog as follows:
 - a. If a dog defecates at any time on land to which this Order applies a person who is in charge of the dog at any time must remove the faeces from the land forthwith unless:

- i. He has a reasonable excuse for failing to do so; or
 - ii. The owner occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- b. 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;
- c. Placing 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;
- 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

Exemptions from Order

- 7. Nothing in this Order shall apply 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. A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

Offence

- 8. Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is an offence under Section 67 of the Act.

A person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of a maximum of £100.00.

9. An Authorised Person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The recipient of a fixed penalty notice will have 14 days to pay the fixed penalty. If payment is received within 14 days, they will not be prosecuted.

Interpretation

10. For the purpose of this Order:

- a. "An authorised Person" means a constable or police community support officer of Hampshire Constabulary or a person authorised in writing by the Council;
- b. "Council" means the Isle of Wight Council
- c. "Prescribed charity" means;
 - i. Dogs for the Disabled (Registered Charity No 700454);
 - ii. Support Dogs (Registered Charity No 1088281);
 - iii. Canine Partners for Independence (Registered Charity No 803680)
- d. "Restricted Area" means all highways and land in the administrative area of the Council, to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

11. If any interested person desires to question the validity of this Order on the ground that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated: 14 January 2021

The COMMON SEAL of the ISLE OF
WIGHT COUNCIL was hereunto affixed in
the presence of:

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