

**MORECAMBE AND LANCASTER PUBLIC SPACES PROTECTION ORDER 2020
(THE FOULING OF LAND BY DOGS)**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

This Order applies to all land which is within the District of Lancaster (as outlined in the map attached at Appendix A), which is open to the air, including covered land which is open on at least one side, and to which the public are entitled or permitted to have access with or without payment. This Order does not apply to Forestry Commission land.

This Order may be cited as the Morecambe and Lancaster Public Spaces Protection Order (Fouling of Land by Dogs) 2020 and came into force on 20th October 2020 for a duration of 3 years.

In this Order an 'authorised officer of the Authority' means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this order.

The following prohibitions are imposed on the use of the Designated Area:-

If a dog defecates at any time on land to which this order applies and a person 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 or authority having control of the land has consented (generally or specifically) to his failing to do so.

Nothing in this order applies to a person who:

- (a) has a vision impairment, a certificate of vision impairment and is registered with their local Social Services as a person who is either severely sight impaired (blind) or sight impaired (partially sighted); or
- (b) has a disability which affects his 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.

For the Purpose of this Act

(i) 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;

(ii) 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;

(iii) 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

(iv) a 'prescribed registered charity' is a charity that is a registered charity that provides assistance dogs to persons with vision impairment, a hearing impairment or a disability or mobility impairment.

Penalty

Under Section 67 of the Act it is an offence to fail to comply with this Order. A person guilty of an offence under this section is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.