

**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 and 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 in the Restricted Area any person in charge of a dog must have with him an appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

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. For the purposes of Article 3 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.
  5. 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.

6. 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.

7. Exemptions:

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 persons 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.

**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:

- a) Public roads, pavements, footways and any grass verge which is adjacent to the carriageway or footway and is maintained at public expense
- b) All car parks within the ownership of the Council of the Borough of Kirklees to which the public have access
- c) All sports grounds, fields, pitches, when in use for authorised sport activities
- d) Any area of land defined as an allotment in accordance with Allotments Act 1925
- e) All cemeteries and burial grounds
- f) All bowling greens
- g) Castle Hill Local Nature Reserve – between 1<sup>st</sup> March and 31<sup>st</sup> July
- h) Footpaths over agricultural land as detailed on the attached maps with bold purple lining.