



BROXTOWE BOROUGH COUNCIL

BASIL RUSSELL PLAYING FIELDS PUBLIC SPACES PROTECTION ORDER 2018

NOTICE IS HEREBY GIVEN that Broxtowe Borough Council, using powers contained within the Anti-social Behaviour, Crime and Policing Act 2014 makes the following Order:

Basil Russell Playing Fields Public Spaces Protection Order 2018

The Order (comprising this document and Schedules 1 and 2) shall come into operation on 15th June 2018 and shall have effect for a period of three years thereafter, unless extended by further Orders made under Broxtowe Borough Council's statutory powers.

The Order relates to the public spaces in the area shown delineated on the attached plan at Schedule 1 (the "Restricted Area").

The effect of the Order is to impose the following prohibitions and/or requirements in the restricted area at all times, unless the exemptions in Schedule 2 apply:

1. Dog fouling

If a dog defecates at any time in the Restricted Area and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) that 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 that person failing to do so.

2. Dogs on leads

A person in charge of a dog in the Restricted Area shall be guilty of an offence if that person fails to keep the dog on a lead, unless:

- (a) they have 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 their failing to do so.

3. Exclusion of dogs

A person in charge of a dog shall be guilty of an offence if, at any time, they take the dog onto, or permit the dog to enter, or to remain on, any land comprising the children's play area within the Restricted Area and shown hatched on the plan at Schedule 1 below unless:-

- (a) they have reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their doing so.

For the purpose of this Order –

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.

Placing the 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.

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.

PENALTY

Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.



FIXED PENALTY

A constable or person authorised by the Council may issue a fixed penalty notice to anyone he or she believes has committed an offence. The fixed penalty is £75 (reduced to £50 if paid within 14 days). Non-payment of a fixed penalty notice may result in prosecution.

This Order shall take effect on 15th June 2018 for a period of three years.

THE COMMON SEAL of BROXTOWE BOROUGH COUNCIL

was hereunto affixed in the presence of :-

Mayor 
D.A. BURNETT
Duly Authorised Officer 
N DUNVILLE



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PUBLIC SPACES PROTECTION ORDER 2018**

Schedule 2

a) Nothing in article 1 shall apply to a person who:

- i. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- ii. 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
- iii. who has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities including affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects in respect of a dog trained by a prescribed charity or such other charity/approved body as is considered appropriate by the council and upon which they rely for assistance; or
- iv. is training an assistance dog for one of the prescribed charities or such other charity/approved body as is considered appropriate by the council; or
- v. is not a person falling within the criteria mentioned in paragraphs i to iv above but who the council considers should be exempt due to the impairment of that particular person.

(b) Nothing in the Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces.

(c) 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)



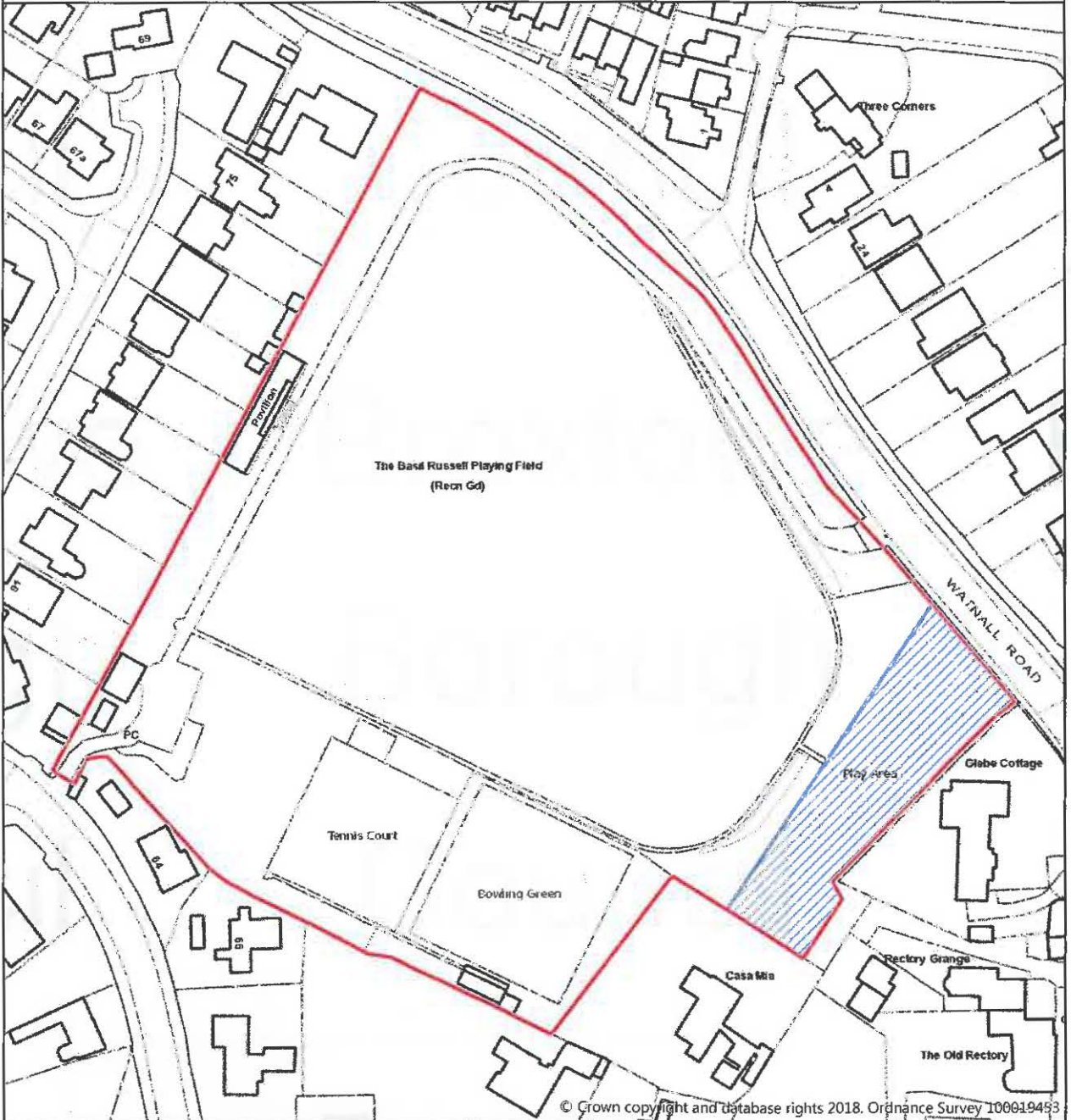
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Schedule 1



Broxtowe Borough COUNCIL

28 February 2018



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NOTES AND INFORMATION

D.A. Barnett