

**LEEDS CITY COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PART 4, SECTION 59**

**PUBLIC SPACES PROTECTION ORDER NUMBER 1 OF 2018 (THE "ORDER")**

**DOG RELATED RESTRICTIONS AND RESTRICTIONS RELATING TO SMOKING IN CHILDREN'S PLAY  
AREAS**

This order is made by Leeds City Council (the council) and shall be known as the, Public Spaces Protection Order Number 1 of 2018.

The council in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and being satisfied that the conditions set out in section 59 of the Act have been met makes the following order:

**Period for which this Order has Effect**

1. This order shall come into force at midnight on 1<sup>st</sup> July 2018 and shall expire at midnight on 30 June 2021.
2. At any point before the expiry of this three year period the council can extend this order by up to three years if it is satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of these activities after that time.

**Land to which this Order Applies**

3. The land to which this order applies (unless otherwise specified) is any land within the area administered by the council, which is open to the air and to which the public are entitled or permitted to have access either with or without payment, and this is to include all access land as specified by the The Countryside and Rights of Way Act 2000.

**Statutory Conditions**

4. The council is satisfied that the activities identified in this order have been carried out in public places within the area administered by Leeds City Council and have had a detrimental effect on the quality of life of those in the locality, and/or it is likely that the activities will be carried out within that area and have such an effect.

5. The Council is satisfied that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature; is or is likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by this order.

**6. The Activities**

- a) The failure to remove dog faeces.
- b) The failure to keep dogs on leads.
- c) The failure to comply with an order to put a dog on a lead when directed to do so by an authorised officer.
- d) To walk more than the applicable maximum number of dogs at one time.
- e) Failure to comply with dog exclusion areas.
- f) Smoking in children's play areas.

**The Prohibitions and Requirements**

**7. Obligations on Persons in Charge of a Dog or Dogs:-**

**Fouling**

1. If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:
  - (a) he has a 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 his failing to do so.

**Leads by order**

2. A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer to put or keep the dog on a lead unless:
  - (a) he has 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.

An authorised officer may only give direction under this order if such restraint is reasonably necessary to prevent a nuisance or the authorised officer considers the behaviour by the dog to be such that it is likely to cause annoyance or disturbance to any person or animal.

## **Leads**

3. A person in charge of a dog on all carriageways and/or on footpaths and/or grass verges adjacent to any carriageway within the Leeds City Council administrative area must keep the dog on a lead and in close control unless:
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so.
  
4. A person in charge of a dog on land specified in Schedule 1 under the heading "Dogs on Leads" and where signage is in place on the land that specifies it as a Dogs on Leads area (regardless of the wording or legislation stated on it) must keep the dog on a lead and in close control at all times (unless times are otherwise specified in the schedule) and unless:
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so.

## **Dog Exclusion Areas**

8. A person in charge of a dog must not take it into or keep it within an area specified in schedule 1 under the heading "dog exclusion area" and where signage is in place on the land as a dog exclusion area (regardless of the wording on the sign or the legislation stated on it) unless:
  - (a) he has 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.

## **Means to Pick up Dog Faeces**

9. A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless:
  - (a) he has reasonable excuse in failing to do so; or
  - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so.
  - (c) 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.
  - (d) An "appropriate means" is defined as any poop scoop bag, disposal bag or other suitable container for disposal of dog faeces. For the avoidance of any doubt a trouser or coat or other pocket, handbag, rucksack, purse, sports bag are not appropriate means.

### **Maximum number of dogs to be walked at any time**

10. A person in charge of more than one dog on land to which this order applies must not walk more than 4 dogs at any one time.
11. Professional dog walkers who hold the appropriate insurance may walk up to a maximum of 6 dogs provided that these dogs are not walked with or alongside any other dogs (regardless of how many other people who are in charge of any other dogs at that time are present) and that they are in full control of all of the dogs at all times unless:
  - (a) he has reasonable excuse in failing to do so; or
  - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so.

### **Prohibitions in Relation to Smoking in Children's Play Areas**

12. Smoking of any substance, including tobacco products, being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked is prohibited within all children's play areas specified in schedule 2 as a smoking prohibition area and signed to indicate that it is a smoking prohibition area (whether or not the signage uses those particular words) unless:
  - (a) he has reasonable excuse in 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.

### **Exemptions**

13. Nothing in this order that relates to dog owners 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) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity no: 293358) and upon which he relies for assistance; or
  - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

#### **14. For the Purpose of this Order:**

- (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 it;
- (d) An “authorised officer” means an employee of the council, or a person engaged by a partnership agency or contractor of the council who is authorised in writing by the council for the purpose of enforcing the requirements of this order.

#### **Offences**

- 15 It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing in this order or to fail to comply with a requirement to which the person is subject under this order.
- 16 A person found guilty of an offence pursuant to paragraph 1 above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 17 A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

#### **Fixed Penalty Notices**

- 18 An authorised officer may issue a fixed penalty notice to anyone he or she believes has reason to believe has committed an offence in relation this order.
- 19 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence of payments a fixed penalty to Leeds City Council.
- 20 Failure to pay a Fixed Penalty Notice may result in legal proceedings being instigated.

**Schedules**

**Schedule 1** – Locations of dog related requirements covered by Public Space Protection Orders and applicable to specific locations.

**Schedule 2** – Locations where smoking is prohibited in children’s play areas.

THE COMMON SEAL of  
LEEDS CITY COUNCIL was  
hereby affixed to this Order  
in the presence of:

Name:

Signature:

Job Title: