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**The Anti-Social Behaviour Crime and Policing Act 2014 The Public Spaces Protection Order
(Newark and Sherwood District Council) (Dog Control) Order 2024**

1. Newark and Sherwood District Council (“The Council”) being satisfied that:
 - (a) Activities (“the activities”) carried out within a public place within the Council’s area have had a detrimental effect on the quality of life of those in the locality and/or
 - (b) It being likely that the activities will be carried on in a public place and that they will have such an effect,
2. And upon the Council also being 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.
3. Pursuant to the requirements of section 72 of The Act, the Council;
 - (a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on human Rights and,
 - (b) Having carried out the necessary consultation, notification and publicity and
 - (c) Having undertaken relevant and appropriate Equality Act 2010, impact assessments
4. **HAS DECIDED TO MAKE This PUBLIC SPACES PROTECTION ORDER under section 59 of the Act** (and of all other enabling powers);
5. This Public Spaces Protection Order shall come into effect on the day of
2024 for a period of 3 years. It shall expire on day of 2027, unless
before it has expired, the Council extends, varies or discharges this Order.

6. This Order may be cited as the (Newark and Sherwood District Council) (Dog Control) Order 2024 .

7. **General Provisions**

7.1 Unless otherwise provided, this order applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of any express or implied permission.

7.2 A person who fails to comply with any obligation imposed by this order is guilty of an offence by virtue of section 67(1) of the Anti-Social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

7.3 If any interested person desires to question the validity of this Order on the grounds 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.

8. **CONDITIONS**

8.1 **Dog fouling**

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 and dispose of it in an appropriate manner.

Unless:

- a. they have 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 (all areas of the Authority).

8.2 **Dogs on Lead by Direction (Lead by order)**

A person in charge of a dog on land to which this order applies, must comply with a direction given to him or her by an Authorised Officer of the Authority to put and keep the dog on a lead unless:

- a. they have 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.

An Authorised Officer may only give direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

8.3 Dogs on Leads

A person in charge of a dog on land detailed in **Schedule 1**, must keep the dog on a lead of fixed length and of not more than 2 metres unless:

- a. they have 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.

8.4 Dog Exclusion

A person in charge of a dog must not take it into or keep it within land detailed in **Schedule 2** 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 failing to do so.

9. Exemptions

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 an assistance dog.

10. PENALTY FOR BREACH OF ORDER:

10.1 An Authorised Officer may issue a fixed penalty notice to anyone who he/she believes has committed an offence under the terms of this Order. The Person issued with the fixed penalty notice shall have 28 days to pay the fixed penalty (in the sum of £100).

10.2 This will be reduced to £75 if the Fixed Penalty is paid (payment to be received by the Council) within 14 days of the date the Fixed Penalty Notice was issued. If payment is received in full within 28 days of the date the fixed penalty notice was issued, the Council will not take prosecution action.

10.3 Failure to pay may lead to prosecution. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1)

of the Act and is liable to a fine on summary conviction not exceeding level 3 on the standard scale. (Currently set to not exceed £1000.) Should the Council have to prosecute anyone in relation to this Order the Council would also seek to recover, from the offender, any reasonable costs incurred.

11. DEFINITIONS

- a. A person who habitually has a dog in his or her 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 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 constitute a reasonable excuse for failing to remove the faeces
- d. "An Authorised Officer of the Authority" means an employee, partnership agency or contractor of Newark and Sherwood District Council who is authorised in writing by Newark and Sherwood District Council for the purposes of giving directions under the Order
- e. In relation to the requirement for a dog to be on a lead, extendable leads are acceptable, but they must be locked at a length of 2 m or less
- f. The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability
- g. The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation.

Schedule 1

This order applies to all land which is within the administrative area of Newark and Sherwood District Council and which is:

- a) A highway, footway, cycleway or footpath maintainable at the public expense, any grass verge maintained by the local authority, and which is adjacent to any carriageway or footway of any highway, any road subject to a 30-mph limit or less to that part of the carriageway of a highway which forms part of the gutter.
- b) The following pedestrian and parking areas:
- c) The following parks, church yards and cemeteries, gardens, recreation land, playing fields etc:
 - Newark Cemetery, London Road, Newark
 - Beckitts Field, Bathley Lane, Little Carlton
 - Higgins Mead, Southwell
 - Potwell Grasslands, Southwell
 - War Memorial, Southwell
 - Minster School, Southwell
 - Centenary Field, Southwell
 - Lowdham Cemetery
 - Village Hall Playing Field, Lowdham
 - Sports Ground, Southwell Road, Lowdham
 - Balderton Cemetery, Balderton
 - St Giles Churchyard, Balderton
 - Stafford Avenue play area, Balderton
 - Clipsham Close play area, Balderton
 - Balderton Lakes
 - Public footpath south of River Witham, Barnby in the Willows
 - Public footpath Long Lane, Barnaby in the Willows
 - Marsh Lane playing fields, Farndon
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Schedule 2

This order applies to all land which is within the administrative area of Newark and Sherwood District Council, and which is:

- a) A fenced / enclosed children’s play area and multi court signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words and/or symbols having like effect) which is designated and marked for children’s play.
- b) Following playing fields, recreation grounds and cemeteries:
 - Memorial Park play area, Southwell.
 - Norwood Gardens play area, Southwell.
 - Kirton Village Playing Field
 - Glebe Field, Bleasby
 - Village Green and Sports Field, Barnby in the Willows

12. APPEALS

12.1 Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made.

12.2 An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

12.3 Interested persons can challenge the validity of this Order on two grounds:

- a. That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements.
- b. That one of the requirements of the Act, has not been complied with.

12.4 When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Executed as a deed by affixing the COMMON SEAL of NEWARK AND SHERWOOD

DISTRICT COUNCIL on the day of 2024

In the presence of:

