



Dog Control Public Space Protection Order (PSPO)

Epping Forest District Council (in this order called “the Council”) hereby makes the following order under section 59 of The Anti-Social, Behaviour, Crime and Policing Act 2014.

The Order comes into force on the 08 January 2024 for a period of 3 years until the 08 January 27.

General Provision:

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 Anti-Social Behaviour, Crime and Policing Act 2014 and liable to fine on summary conviction not exceeding level 3 of the standard Scale.

A constable or authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under sections 63 or 67 of the 2014 Act in relation to this PSPO.

Obligations on person with Dogs:

1. Fail to remove dog faeces deposited on any publicly accessible land within the district.

Offence

(1) If a dog defecates at any time on land to which this Order applies and a person who is 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) 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 his failing to do so.

(2) Nothing in this article 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 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.

(3) For the purposes of this article:-

- (a) 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;
- (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 the faeces;

(d) 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).

2. Fail to put a dog on a lead when directed to do so by an authorised officer, on any publicly accessible land within the district.

Offence

(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given to them by an authorised officer of the Authority to put and 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 his failing to do so.

(2) For the purposes of this article:-

- a) 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;
- b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.
- c) Once an authorised officer has given the direction under this order the dog is to be kept on a lead while being walked for the remainder of the day.

3. Fail to limit the number of dogs which a person may take onto publicly accessible land within the district to four dogs.

Offence

(1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies, more than the maximum number of dogs specified in article 3 of this Order, 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 doing so.

(2) For the purposes of this article 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.

4. Fail to produce a receptacle for picking up dog faeces when requested to do so by an authorised officer, while walking a dog on any publicly accessible land within the district.

Offence

(1) A person in charge of a dog shall be guilty of an offence, if at any time, they takes on to any land in respect of which this order applies a dog without the appropriate means to pick up dog faeces deposited by that dog 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 his failing to do so.

(2) The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate receptacle to pick up dog faeces. A receptacle is defined as any object capable of holding faeces for disposal, i.e a Poo bag or other plastic bag.

By way of guidance, a trouser or coat or other pocket is not such item for the purpose of this obligation. Neither is a handbag, rucksack, purse or sports bag.

(3) The offence does not 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) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

(4) For the purposes of this article 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.

This 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 express or implied permission.

5. Fail to exclude a dog from specified fenced areas within the district.

Offence

(1) A person in charge of a dog must not take it into land which has been designated to exclude dogs 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 his failing to do so.

(2) The designated areas of land to exclude dogs are:

- fenced children's playgrounds and areas which are designated and marked for children's play
- all fenced games areas e.g. tennis, ball courts, skate parks

This applies to the land specified in the Schedule 1 of this order.

- (3) The offence does not 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) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

6. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with. Where 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 can uphold the order, quash it, or vary it.