

CASTLE POINT BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER of 2017 (the "Order") ANTI-SOCIAL
BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the Castle Point Borough Council Public Spaces Protection (Dog fouling etc.) Order of 2017. (the Order)

Castle Point Borough Council ("the Council") in exercise of its powers under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers hereby makes the following Order:

1. This Order shall be renewed from 1 October 2026 and shall remain in effect for a further period of three years, unless extended by a further order made under the Council's statutory powers.
2. This Order relates to all public areas within the jurisdiction of Castle Point Borough Council, being the land as shown on the plan attached to this order ("the Restricted Area").
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. In particular, activities consisting of anti-social behaviour and criminal activities, namely dog fouling, have occurred within the restricted area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that such activities will continue to be carried out within that area and continue to have that effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met, namely that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; that such activities are unreasonable; and that they justify the restrictions imposed by this Order. The Council is further satisfied that it is expedient, in all the circumstances, to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public spaces.

PROHIBITIONS:

1. Person(s), by definition, includes any individual who has a dog in their possession or who is in a position to control the dog within the Restricted Area. Such person(s) are prohibited from:
 - a) Allowing the dog to defecate in the restricted area unless the excrement is immediately removed and disposed of in an appropriate receptacle.
2. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the excrement, shall not be a reasonable excuse for failing to remove the excrement.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

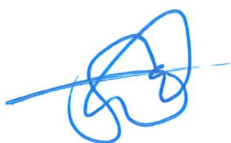
APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon

Given under the Common Seal of Castle Point Borough Council

THE COMMON SEAL of the COUNCIL

Was hereunto affixed In the presence of:



APPENDIX (attached): The Council's Boundary Plan – all public spaces within this boundary are the Restricted Area.

