

# APPENDIX A

## Public Space Protection Orders

**DRAFT – Forest Heath**

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by Forest Heath District Council (the 'Council') and shall be known as the Public Spaces Protection Order (Dogs) 2017

### PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and 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 the notice.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

4. For the purpose of this order –

- (i) 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;
- (ii) 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;
- (iii) 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
- (iv) "an authorised officer of the Council" means an employee, partnership agency or contractor of the Council who is authorised in writing by Forest Heath District Council for the purposes of giving directions under the Order.
- (v) Each of the following is a "prescribed charity" –

Dogs for the Disabled (registered charity number 700454)  
Support Dogs Limited (registered charity number 1088281)  
Canine Partners for Independence (registered charity number 803680)

## THE ACTIVITIES

5. The Activities prohibited by the Order are:

- (i) failing to remove dog faeces from land to which the public or any section of the public has access (on payment or otherwise, as a right or by virtue of express or implied consent)
- (ii) taking a dog(s) onto, or permitting a dog(s) to enter or remain on any play area, multi-use games area, green gym or wheel park as detailed in Schedule 1
- (iii) taking a dog(s) onto, or permitting a dog(s) to enter or remain on any fenced sports area between 1<sup>st</sup> August and 31<sup>st</sup> May (the football season) as detailed in Schedule 1

## THE PROHIBITION

6. The activities are prohibited within the areas listed in Schedule 1 and illustrated on the attached plans in Schedule 2.

## THE EXCEPTION

7. The Prohibition 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) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which is relied on for assistance ; or
  - (iii) Has a disability which affects 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 and upon which he relies for assistance.

## PERIOD FOR WHICH THIS ORDER HAS EFFECT

8. This Order will come into force at midnight on xxxxxx and will expire on xxxxxx.
9. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are 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 those activities after that time.

## WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse-

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

FIXED PENALTY

A constable, police community support officer or authorised officer of the council may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £80. If you pay the fixed penalty within the 14 days you will not be prosecuted

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 the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

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.

Dated.....

The Common Seal of )  
FOREST HEATH DISTRICT COUNCIL )  
was affixed in the presence of )

.....

Authorised Signatory

## Schedule One: Dog Exclusion Areas

**(NB. Sites owned by Parish Councils are still to be added)**

This order applies to all enclosed areas of land as described below:

Sites listed in alphabetical order under town areas:

Map No	Brandon Area	Type of area covered	Post Code	Ward
1	Lilac Close	Play area	IP27 0LN	Brandon West
2	Seymour Ave	Play area	IP27 0XH	Brandon West
3	Teal Close	Play area	IP27 0BG	Brandon East
4	Warren Close	Play area & multi use games area	IP27 0EF	Brandon East
5	Woodcock Rise	Play area	IP27 0BN	Brandon East
6	Yew Drive	Play area	IP27 0UL	Brandon East

Map No	Lakenheath Area	Type of area covered	Post Code	Ward
7	Sandpits /Stations Road	Play area	IP27 9JB	Lakenheath

Map No	Beck Row Area	Type of area covered	Post Code	Ward
8	Aspal Close	Fenced football Pitch area	IP28 8AF	Eriswell & The Rows

Map No	Mildenhall Area	Type of area covered	Post Code	Ward
9	Charles Melrose Close	Play area	IP28 7BA	Great Heath
10	Douglas Park	Play area	IP28 7BA	Great Heath
11	Macpherson Robertson Way	Play area	IP28 7RS	Great Heath
12	Mildenhall Woods Adventure Play Area/BMX Track	Play area, wheels park	IP28 7SG	Market
13	Miles Hawk Way	Play area	IP28 7SE	Great Heath
14	Oxford Close	Play area	IP28 7RP	Great Heath
15	Peterhouse Close	Play area	IP28 7BA	Market
16	St Johns Close	Play area, wheels park & multi use games area	IP28 7NA	Great Heath

Map No	Newmarket Area	Type of area covered	Post Code	Ward
17	Barry Lynham Drive	Play area	CB8 8YT	All Saints

18	George Lambton Playing Field	Wheels park	CB8 7RL	Severals
19	Granby Street	Play area	CB8 8GQ	All Saints
20	Green Road	Play area	CB8 9BN	All Saints
21	Greville Starkey Avenue	Play area	CB8 0BN	Severals
22	Heasman Close	Play area	CB8 0AD	Severals
23	Hodgkins Yard (All Saints Road)	Play area	CB8 8ET	All Saints
24	Lady Wolverton (Adastral Close)	Play area	CB8 0PX	St Mary's
25	Manderston Road	Play area	CB8 0NL	St Mary's
26	Millbank	Play area	CB8 0EG	St Mary's
27	New Cheveley Road	Play area	CB8 8BU	All Saints
28	Hyperion Way BMX Track, Play Area and MUGA (Studlands Park Estate)	Play area, wheels park & multi use games area	CB8 7RX	Severals
29	Brickfields Avenue (Studlands Park Estate)	Play area	CB8 7RX	Severals
30	*Memorial Hall Gardens (King Edward VII Memorial Grounds)	Play area & Wet play area	CB8 8JP	St Mary's

<b>Map No</b>	<b>Moulton Area</b>	<b>Type of area covered</b>	<b>Post Code</b>	<b>Ward</b>
31	Anvil Way	Play area	CB8 8GY	South

\*Site owned by Newmarket Town Council