

LONDON BOROUGH OF MERTON

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

LONDON BOROUGH OF MERTON PUBLIC SPACES PROTECTION ORDER 2018 (DOG CONTROL)

The Council of the London Borough of Merton (in this Order called “the Council”) hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

This Order may be cited as the “London Borough of Merton Public Spaces Protection Order 2018 (Dog Control)”.

This Order comes into force on *[Date]* and for a period of 3 years from this date, unless extended pursuant to section 60 of the Act.

In this Order the following definitions apply:

“Person in charge” means the person who has the dog in his possession, care or company at the time the offence is committed or, if none, the owner or person who habitually has the dog in his possession.

“Restricted area” means the land described and/or shown in the maps in the Schedule to this Order.

“Authorised officer” means a police officer, PCSO, Council officer, and persons authorised by the Council to enforce this Order.

“Prescribed charity” means -

- (i) Dogs for Good (registered charity number 1092960);
- (ii) Support Dogs Ltd (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680)

The masculine includes the feminine.

This Order applies to National Trust land within the administrative area of the Council, and land owned by the Mitcham Common Conservators within the administrative area of the Council . It does not apply to Wimbledon Common.

The Offences

Article 1 - Dog Fouling

(1) If within the restricted area a dog defecates, at any time, and the person who is in charge of the dog fails to remove the faeces from the restricted area forthwith, that person shall be guilty of an offence unless –

- a. The person has a reasonable excuse for failing to do so; or

- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically) to his failing to do so

(2) For the purposes of this Article -

- a. Placing the faeces in a receptacle in the restricted area which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- b. 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 faeces shall not be a reasonable excuse for failing to remove the faeces;
- c. A person in charge and in the company of a dog in the restricted area shall be guilty of an offence if, on the request of an Authorised Officer the person fails to forthwith produce a device for or other suitable means of removing dog faeces and taking it home or to a suitable waste disposal receptacle (whether or not the dog has defecated) unless the person has a reasonable excuse for not doing so.

Article 2 – Dogs on leads

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a direction given to him by an Authorised Officer to put and keep the dog on a lead in the restricted area unless -

- a. The person has a reasonable excuse for failing to do so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically) to his failing to do so

(2) An authorised officer may only give a 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

Article 3 – Dog Exclusion Area

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes a dog onto, or permits the dog to enter or remain on land within the restricted area unless -

- a. The person has a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically)

Article 4 – Multiple Dog Walking

(1) A person in charge of more than one dog shall be guilty of an offence if, at any time, and at the same time, he takes on to the restricted area more than four dogs unless –

- a. The person has a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically).

Exemptions

(2) Nothing in this Order 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) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People and upon which that person relies for assistance (dogs must be clearly marked as assistants); or
- (c) has a disability which affects that person's 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 that person relies for assistance (dogs must be clearly marked as assistants).

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse -

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

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

THE COMMON SEAL OF THE MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF MERTON was affixed this *[Date]* day of 2018
in the presence of:

Schedule identifying Restricted Areas for Articles 1-4 of the Order

Article 1 - Dog Fouling – map & description

Article 2 - Dogs on leads – map & description

Article 3 - Dog Exclusion Area – map & list

Article 4 - Multiple Dog Walking – map & description

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