



# West Northamptonshire Council

## West Northamptonshire Council Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022

West Northamptonshire Council ("the Council") makes the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

The land described in this Order and outlined in blue on the plan at Appendix 1, which is described in greater detail at Appendices 2 and 3 and which includes the land described on the plan at Appendix 4, being land in the administrative area of the Council to which the public or any section of the public have access, on payment or otherwise, as right or by virtue of express or implied permission, is land to which the Act applies and will be protected by this Order.

The Order may be cited as the West Northamptonshire Council Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022.

### **Articles**

1. If a dog defecates at any time on land to which this Order applies, any person who is in control of the dog at the time must remove the faeces from the land forthwith unless;
  - (i) there is a reasonable excuse for failing to do so; or
  - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so.
2. All persons in control of a dog on land to which this Order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless;
  - (i) there is a reasonable excuse for failing to do so; or
  - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so.

The obligation is complied with if, after a request from an Authorised Person, the person in control of the dog produces an appropriate means to pick up dog faeces.

3. All persons in control of a dog must not take it onto or keep it on any of the following land, irrespective of whether it is enclosed or fenced on all sides or not or whether the dog is kept on a lead;
  - (a) Children's play areas which are designated and marked for children's play,
  - (b) Any Educational Institution, when open and in use by pupils.

- (c) Skateparks,
- (d) Tennis Courts,
- (e) Multi-use games areas (MUGA) and
- (f) Bowling greens

Unless;

- (i) there is a reasonable excuse for doing so; or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to doing so.

4. All persons in control of a dog must ensure that it is kept on a lead at all times whilst it is on the following land, irrespective of whether it is enclosed or otherwise fenced on all sides or not;

- (a) Cemeteries,
- (b) Burial sites,
- (c) Graveyards,
- (d) Memorial gardens,
- (e) Allotments,
- (f) Car parks and other off-street parking places,
- (g) Sports grounds, fields and pitches, when in use for authorised sporting activity,
- (h) Land at Daventry Country Park as detailed on the plan at Appendix 4.
- (i) Any land within 50 metres of any entrance or exit of an Educational Institution, when open and in use by pupils.

unless

- (i) there is a reasonable excuse for failing to do so or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so.

5. All persons in control of a dog on land to which this Order applies must comply with a direction given to them by an Authorised Person to put and keep the dog on a lead unless;

- (i) there is a reasonable excuse for failing to do so or

- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so.

An Authorised Person 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.

- 6. A person in charge of multiple dogs is not permitted to walk more than 4 dogs at any one time on land to which this Order applies unless
  - (i) there is a reasonable excuse for doing so; or
  - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to doing so.
- 7. All persons are prohibited from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances within the boundaries of the following land and whether it is enclosed or otherwise fenced on all sides or not;
  - (a) Children's play areas which are designated and marked for children's play,
  - (b) Any land within 50 metres of any entrance or exit of an Educational Institution, when open and in use by pupils.
  - (c) Skateparks,
  - (d) Tennis Courts,
  - (e) Multi-use games areas (MUGAs) and
  - (f) Bowling greens

**For the purposes of this Order:**

Any person who habitually has a dog in their possession shall be taken to be in control of the dog at any time unless at that time some other person is in control of it.

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.

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.

Articles 1 to 6 shall not apply to any person who;

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948,

- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which a person relies for assistance,
- (c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which that person relies for assistance or
- (d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out common day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

For the avoidance of doubt with regard to Articles 1, 2, 5 and 6, “Land in the administrative area of the Council to which the public or any section of the public have access, on payment or otherwise, as right or by virtue of express or implied permission” includes, but is not limited to;

- (a) all roads, footpaths, pavements, alleyways and grass verges maintained at public expense as well as any bridleway or other public right of way over privately owned land and
- (b) all parks and open spaces, including commons, grounds and wooded areas, owned, operated, managed or maintained by the Council or any Parish, Town or Community Council.

For the avoidance of doubt with regard to Articles, 3, 4 and 7, the categories of land set out therein are those which are owned, operated, managed or maintained by the Council, any Academy, any Parish, Town or Community Council or any amateur sporting club.

### **Interpretation**

“Authorised Person” means an employee of the Council, or any employee of a partnership agency or contractor, who is authorised in writing by it for the purposes of giving directions under the Order.

“Assistance Dog” means a dog which has been trained to assist a person with a disability.

“Disability” has 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.

“Authorised sporting activity” means an organised sporting event, including but not limited to amateur football or rugby games, taking place on land owned, operated, managed or maintained by the Council, any Parish, Town or Community Council or any amateur sporting club, with its implied or express consent.

“Educational Institution” means any school, academy or college that provides primary or secondary education as defined by section 2 of the Education Act 1996.

## **Enforcement**

Any person who fails to comply with Articles 1 to 7 above without a reasonable excuse for doing so commits an offence under section 67 of the Act.

A person committing an offence under Section 67 of the Act may be issued with a Fixed Penalty Notice ("FPN") of £100.00 by a Constable or Authorised Person, in accordance with section 68 of the Act, payment of which will discharge liability to conviction for that offence.

In consulting upon the prohibitions within this Order and upon making it, the Council has had particular regard to the rights of freedom of expression and freedom of assembly as set out in Articles 10 and 11 of the European Convention on Human Rights.

This Order came into force on xxx 2022 and lasts for a period of three years from that date. This Order can be extended pursuant to section 80 of the Act.

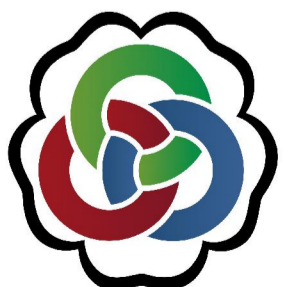
Dated: xxx 2022

Signed: .....

Stuart Timmiss  
Executive Director of Place and Economy  
For and on behalf of West Northamptonshire Council

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# APPENDIX 1







# Former Daventry District Council area





# Appendix 4 - Daventry Country Park

