

IPSWICH BOROUGH COUNCIL

Anti-Social Behaviour Crime and Policing Act 2014 Public Spaces Protection Order (Dog Control and Dog Fouling) 2022

Ipswich Borough Council ("the Council") in exercise of its powers under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") and being satisfied that the conditions set out in Section 59 of the Act have been met, and that section 72 of the Act has been complied with, makes the following Order:

Definitions

In this Order, the following definitions apply:

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

"Authorised Officer" means a police officer, police community support officer (PCSO), Council officer and persons authorised by the Council to enforce this Order.

"Working Dog" means dogs used by the police and other agencies for official purposes and dogs trained (or being trained) by a registered charity to assist a person who has a disability and upon which a disabled person relies for assistance.

"Proper Control" means a dog being on a lead or muzzled if the dog requires it, or otherwise being at heel or close enough to the person in charge that it can be restrained if necessary or respond immediately to voice commands.

1. This Order shall apply to the Borough of Ipswich as shown by a dashed red line on the map attached and marked "Map 1".

2. This Order may be cited as the Ipswich Borough Council Public Spaces Protection Order (Dog Control and Dog Fouling) 2022 and shall come into force on 03 February 2022 for a period of three years or until such time as it is varied, extended or revoked.

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

- a. The activities set out at paragraph 4 below have been carried on in a public place within the Council's area and have had a detrimental effect to the quality of life of those living in the locality; and
- b. The effect or likely effect of the activities:
 - (i) Is or is likely to be of a persistent or continuing nature,
 - (ii) Is or is likely to be such as to make the activities unreasonable; and
 - (iii) Justifies the restrictions imposed by this Order.

The Council is satisfied that the prohibitions or requirements imposed by this Order are reasonable to impose 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.

4. The activities having a detrimental effect on the quality of life of those living in the locality are those which cause or allow dogs to:
 - a. Enter and/or pose a hazard or cause a nuisance in areas including (but not limited to) play areas, paddling pools and sports grounds.
 - b. disturb or threaten animals, or birds, or wildlife.
 - c. cause the public, particularly children or vulnerable adults, to feel threatened or distressed.
 - d. pose a risk to the safety of pedestrians and / or cyclists and / or motorists.
 - e. cause damage to public property, including trees and plants.
 - f. hunt in packs.
 - g. be walked in groups of 4 or more dogs by one or more individual.
 - h. defecate in a public place and fail to remove the faeces from the land.
5. The effect of this Order is to impose the prohibitions or requirements set out in paragraph 6 below on some or all of the public land or areas listed in Schedules 1 to 3 and illustrated by Map 1 contained in Schedule 4.

6. The Prohibitions or Requirements

a. Dogs on Leads by Request

A person in charge of a dog within the area of land identified, at any time by request, (during the period specified in the schedule if stated), in **Schedule 1** must keep the dog on a lead unless:

- i. he has 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 his failing to do so.

A person in charge of a dog within the area of land identified in **Schedule 1** must comply with a direction given to them by an Authorised Officer to put and keep the dog on a lead unless:

- i. they have 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 them failing to do so.

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.

b. Dogs on Leads

A person in charge of a dog within the area of land identified in **Schedule 2** must at all times keep the dog on a lead unless:

- i. they have 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;

c. Exclusion of Dogs

A person in charge of a dog shall not take the dog onto, or permit the dog to enter or to remain on the land identified in **Schedule 3** unless:

- i. They have 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.

d. Restriction on numbers of Dogs

A person must not take more than four (4) dogs at the same time onto the land shown edged red in **Map 1 of Schedule 4** unless:

- i. They have 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 the failure to do so.

e. Keep control of dogs and not cause damage

A person in charge of a dog on any land detailed in **Map 1 of Schedule 4** must:

- i. keep the dog under proper control;
- ii. not cause or permit the dog to –
 - a. cause annoyance to any other person or animal; or
 - b. cause damage to any Council structure, equipment, tree, shrub, plant, turf or other such Council property.

f. Dog Fouling

A person in charge of a dog which defecates at any time on any land referred to in **Map 1 of Schedule 4** to this Order must at the time remove the faeces from the land forthwith, unless:

- i. they have a reasonable excuse for failing to do so, however being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to comply with this Order; 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.

7. The requirements set out in paragraph 6 of this Order apply to all persons except any 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 (registered charity number 293358) and upon which they rely for assistance; or
- c. has a disability within 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, in respect of a dog which has been trained to assist a person with a disability and upon which the person relies for assistance; or
- d. is a person in control of a Working Dog(s).

8. Offences

Section 67 of the Act 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 this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable, police community support officer or authorised officer of the Council may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. You will have 14 days to pay the fixed penalty of up to £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

9. Challenge

Under section 66 of the Act, an interested person (as defined in that section) may apply to the High Court to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order. Such an application must be made within 6 weeks of the date this Order was made.

The COMMON SEAL of
IPSWICH BOROUGH COUNCIL
was hereunto affixed this ^{03rd}.....day ^{February} of
two thousand and twenty two in the presence of



Authorised Officer Name.. CLARE DAWSON-DUKEU

Authorised Officer Signature.. *Clare Dawson-Dukeu*

SCHEDULE ONE

Dogs on leads by request in the following areas

Alderman Road Recreation Ground
Alder Carr meadow
Alexandra Park
Allenby Road Open Space
Ashground Plantation
Aster Road Open Space
Belstead Road tree belt
Birkfield Drive amenity and natural area
Bourne Park
Bourne Reedbed
Bramford Lane Housing Open Space
Bramford Lane Open Space
Bramford Lane Recreation Ground
Braziers Wood Road corridor
Braziers Road Meadow
Bridge Wood Foreshore, Estuary
Broomhill Park North
Broomhill Park South
Brunswick Recreation Ground
Cambridge Drive
Castle Hill Recreation Ground
Chantry Green
Chantry Park
Cherry Lane Recreation Ground
Chesterton Close OS
Christchurch Park
Crown Pools Grass Area
Dumbarton Road Recreation Ground
Ellenbrook OS & Playing Field
Europa Way
Finbars Walk Natural Semi-Natural
Foxglove Crescent Amenity Area
Gainsborough Sports and Community Centre
Gippeswyk Park
H G Clarke Gardens
Haven Gardens
Holywells Park
Inverness Road Open Space
Kiln Meadow
Land adjacent to The Grove
Landseer Park
London Road Tree Belt
Maidenhall Green
Martinet Green Open Space
Maryon Road Wildlife Corridor
Mitre Way Amenity Area

Moffat Avenue Amenity Area
Murray Road Park
Nacton Road Wildlife Corridor
Netley Close Open Space & Tree Belt
Norwich Road Gardens
Pembroke Close
Pipers Vale Foreshore, Estuary
Pond Hall (OCP)
Pond Hall Foreshore, Estuary
Ranelagh Road amenity area
Ransomes Sports Ground
Ravenswood Village Green
Ravenswood Open Spaces
Redhouse Park
Riverside Road Meadow
Robin Drive Recreation Ground
Sherrington Road Recreation Ground
Sproughton Road Pond (Wildlife site)
Stoke Park Wood
Stonelodge Park
St. Augustines Green
The Dales Open Space
Tuddenham Road tree belt
Wallers Grove
Westwood Avenue open space
Whitehouse Park
Whitton Church Lane Recreation Ground
Whitton Recreation Ground
Whitland Close Open Space
Whitton Sports and Community Centre
Yarmouth Rd Amenity Area
Anglian Water Jetty
A14 Drainage ditch

SCHEDULE TWO

Dogs on leads at all times when entering the following areas:

Cemetery Lane Cemeteries
Chantry Park Walled Gardens
Christchurch Park - Upper Arboretum
Christchurch Park - Lower Arboretum
Christchurch Park - Bird Reserve
Holywells Park - Walled Garden
Holywells Park - Sensory Maze
Holywells Park - Orchard
Millennium Cemetery
Orwell Country Park - Braziers Wood
Orwell Country Park - Elm Hill (OCP)
Orwell Country Park - Pipers Vale (OCP)
Bixley Health SSSI
Braziers Meadow (outside of fenced area)

SCHEDULE THREE

Dogs barred from accessing boundaries of the following fenced or closed areas dedicated for play, sport, exercise, convenience, wildlife, flower beds or work (including play areas, tennis courts, MUGAs, toilets and staff compounds)

Alderman Road Play Area and MUGA
Alexandra Play Area and Toilets
Alvis Walk Play Area
Bentley Road Play Area
Billberry Road Play Area
Bourne Park Play Areas, Staff Compound, Toilets, Paddling Pool
Bramford Lane Open Space Play Area
Bramford Lane Recreation Ground Play Area
Braziers Meadow (within meadow fenced area)
Breydon Way Play Area
Broadmere Road Recreation Ground
Bruff Road A LAP 2
Bruff Road B LEAP
Bruff Road C LAP 1
Brunswick Recreation Ground Play Area
Bull Road (Foxgrove Gardens B)
Bull Road (Foxgrove Gardens D)
Castle Hill Recreation Ground Play Area
Celestion Way (Foxgrove Gardens)
Chantry Park Play Areas, Toilets, Ponds, Staff Compounds
Cherry Lane Gardens Play Area
Cherry Lane Recreation Ground Play Area
Chesterton Close Play Areas
Childers Court Play Area (off Sandy Hill Lane)
Cranborne Chase Play Area
Christchurch Park Play area, Tennis Courts, Exercise Area, Ponds and Compounds
Christchurch Park Reg Driver Visitor Centre
Compare Crescent
Deben Road Play Area
Dhobi Place Play Area
Downing Close Play Area
Dumbarton Road Recreation Ground Play Area, Toilets
Elderberry Road Play Area
Ellenbrook OS Play Area and Skate Park
Emperor Circle Play Area
Fenbight Circle Play Areas
Finbars walk Play Area
Fulham Way Play Area
Gainsborough SC/Maryon Rd Play Area
Gippeswyk Park Play Areas, Toilets, MUGAs, Staff Compound
Girton Way Play Area
Halifax Road Play Area
Havergate Road Play Area

Hawke Road Play Area
Heatherhayes Play Area
Holywells Park Play Area, Toilets, Staff Compounds, Visitor Centre, Ponds
Howard Street Play Area
Kettlebaston Way Play Area
Lagonda Drive Play Area
Lambeth Close Play Area
Landseer Park Play Area, BMX track, ponds
Loganberry Road Play Area
Maple Park Play Area
Margate Road Play Area
Maude Street Play Area
Monmouth Close Play Area
Morgan Drive Play Area
Mullberry Road Play Area
Murray Road Park Play Areas, MUGAs, Wildlife Areas, Toilets
Newbury Road Recreation Ground
Orwell Road (Foxgrove Gdns C) Play Area
Pipers Vale Close Play Area
Provan Court (Foxgrove Gdns E) Play Area
Rapier Street Play Area
Ravenswood Village Green Play Areas
Riverside Road Play Area
Sallows Close Play Area
Salmet Close Play Area
Saturn Road Play Area
Shaftsbury Square Play Area
Sherrington Road Recreation Ground Play Area
Shetland Close Play Area
Silk Street Play Area
Sinclair Drive Play Area
Stoke Bridge Skate Park
Stonelodge Park Play Area, Compound and Pond
St. Augustines Green Play Areas and Exercise Area
Talmash Gardens Play Area
Tanners View Play Area
The Albany Tree Belt
The Dales Open Space Play Area and Ponds
Tower Mill Road -Play Area A
Tower Mill Road Play Area B
Webb Street Play Area
Whitehouse Park Play Area, Skate Park and Toilets
Whitton Recreation Ground Play Area
Yeoman Close Play Area

SCHEDULE FOUR - MAP 1
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