

Appendix B

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) ORDER 2021

DRAFT FOR CONSULTATION ONLY PURSUANT TO s.72(3)9A)

1. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.
2. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Dog Fouling and Control) Order 2021 and shall come into operation on 2021.
3. The Council is satisfied on reasonable grounds that:

The activities below have been carried out in public places within the Council's area, and have 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 persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions and requirements proposed by the notice.

4. The Order is concerned with the following activities:

Dog Fouling
Dog control

5. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.
6. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the requirements set out in the proposed order do not infringe these rights.
7. If granted, this order shall be in place for a period of 3 years.
8. The proposed requirements of this order are:

- i) That any person in charge of dog/s, whether or not temporarily, shall ensure that faeces are properly cleared, should the dog/s foul in the restricted area. The faeces shall then be removed, or deposited in a general waste bin, or a dog waste bin.
 - ii) That any person in charge of dog/s, whether or not temporarily, in the restricted area, shall immediately place their dog/s on a lead upon the request of a constable, or an authorised officer of the Royal Borough of Windsor and Maidenhead, should the dog/s be considered to be out of control, or otherwise causing a nuisance to other users of the locality.
9. This Order is proposed to apply to the ‘restricted area’, namely the land set out in Schedule A, being all public places within the boundaries of the Royal Borough of Windsor and Maidenhead.
 10. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.
 11. Further, under S.67 of the Act, any person who fails, without reasonable excuse, to comply with the requirement to clear and properly dispose of faeces as detailed at (i) above, to comply with the direction of a constable or Authorised Person to place the dog/s on a lead, as at (ii) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).
 12. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.
 13. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

1. SCHEDULE A – borough wide map

SCHEDULE B – exemptions

Nothing in this Order shall apply to any person who:

- a) Is registered as a blind person, in a register compiled under S.29 of the National Assistance Act 1948; and/or
- b) The dog in question is working as an assistance dog, as trained by one of the member organisations of Assistance Dogs (UK)

**THE COMMON SEAL of the
ROYAL BOROUGH OF WINDSOR
AND MAIDENHEAD**

was hereunto affixed

this day of 2021

in the presence of: