

**Anti-social Behaviour, Crime and Policing Act 2014,
Part 4, Section 59
Public Space Protection Order**

West Oxfordshire District Council in exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order;

INTRODUCTION

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

The activity “dog fouling” has been carried out in public places within the Council’s area and have had a detrimental effect on the life of those in the locality,

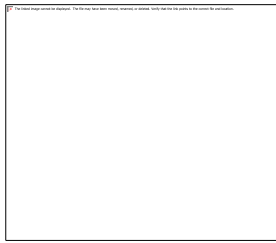
and that:

- a) the effect, or likely effect of the activity: is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activity unreasonable, and justifies the restrictions imposed by this Order.

The Council is satisfied that it is reasonable to impose restrictions set out in this Order to prevent or to reduce the detrimental effect referred to below from continuing, occurring, or recurring.

The Council has given regard to the rights of freedom of expression and freedom of assembly set out in articles 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 proportionate, lawful and necessary.

The Council has carried out the necessary consultation and the necessary publicity, and given the necessary notification, as required by sections 64 and 72 of the Act, before making this Order.



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PART I - DOG FOULING ON LAND

- I. If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land immediately, that person shall be guilty of an offence unless –
- a. He has a reasonable excuse for doing so; or
 - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

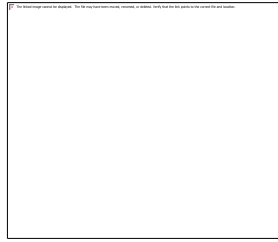
EXCEPTIONS

The Prohibition does not apply to a person who –

- a. Is registered as a blind person in a register complied with under Section 29 of the National Assistance Act 1948.
- b. To a person who has a disability which affects mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a person prescribed charity upon which he relies for assistance.

For the purposes of this Part –

- a. Placing the faeces in a receptacle on the land, which is provided for this purpose, or for the disposal of waste, shall be 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 the means or device to remove the faeces shall not be a reasonable excuse for failing to remove the faeces;



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PART II - PENALTIES FOR NON-COMPLIANCE

Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 states 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 Space Protection Order; or
- (b) To fail to comply with a requirement to which the person is subject to under the Public Space Protection Order.

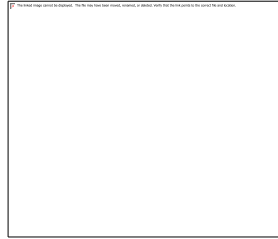
A person guilty of an offence under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

The penalty specified in a fixed penalty notice issued under Article 5 shall be no more than £100, such sum to be paid within a period of less than 28 days.

PART III - AUTHORISED PERSONS

For the purposes of this Order, an authorised person includes –

- (a) a constable, or police community support officer (PCSO)
- (b) any other authorised officer by the Council



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PART IV COMMENCEMENT

The Order shall come into effect on XX XX XXXX and shall remain in effect until XX XXXX.

Before the expiry of the Order the Council can extend the Order by up to three years if satisfied on reasonable grounds that this is necessary to prevent the activity identified in the Order from occurring or recurring or to prevent an increase in the frequency of the activity specified

PART V - RESTRICTED AREA

This Order (including, for the avoidance of doubt, all of the restrictions set out herein) applies to all public places in the District of West Oxfordshire shown on the attached plan.

For the avoidance of doubt, this Order applies to all persons, at all times, in all circumstances, in relation to the restricted area.

For the purposes of this Part -

a "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (and for the avoidance of doubt, includes highways).

VI - CHALLENGING THE VALIDITY OF THE ORDER

An interested person may apply to the High Court to question the validity of -

- a) This Order, or
- b) A future variation of this Order

“Interested person” refers to an individual who lives in the restricted area or continually works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the order or variation is made, on the grounds that:

- a) West Oxfordshire District Council did not have the power to make the order or variation, or to include prohibitions or requirements imposed by the order (or by the order as varied);
- b) A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

IN WITNESS WHEREOF the Common Seal of West Oxfordshire District Council was herto affixed in the presence of an authorised signatory on this _____ day of _____ 2025

