

BROXBOURNE BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER No. 1 OF 2023

THE CONTROL OF DOGS

DRAFT FOR CONSULTATION

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No. 1 of 2023.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and detailed in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2023 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to all land in the Borough of Broxbourne to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of expressed or implied permission.
5. The activities described below are hereby covered as from the date of this Order.
  - (a) The failure to remove dog faeces by a person in charge of the dog from the designated land,
  - (b) Allowing a dog (excluding guide dogs) to be present in the following areas:
    - (i) All fenced children’s playground and areas which are designated and marked for children’s play
    - (ii) All fenced games areas e.g. tennis, ball courts, skate parks
    - (iii) Marked playing pitches, when in use for playing sports

Any person in charge of a dog who takes it onto, permits it to enter or remains on the specified land is guilty of an offence.

6. Section 67 of the Act states that it is an 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 section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A person guilty of an offence under conditions a or b above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a fixed penalty notice of £100.

### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### SCHEDULE OF RESTRICTED AREAS

- (a) All public rights of way/footpaths, pavements, flower beds, shrub areas and grass verges adjacent to carriageways.
- (b) All pedestrianised areas
- (c) All parks, open spaces and children's play areas
- (d) All sports fields
- (e) All greens, verges flower beds and other open areas on any housing estates in the borough
- (f) All town greens
- (g) All cemeteries
- (h) All parts of the Lee Valley Regional Park within the Broxbourne Borough Council district
- (i) All allotments
- (j) All public car parks

**LAND DESIGNATED SPECIFICALLY**

- (a) The grounds of The Spotlight, The Spinning Wheel and Lowewood House, Hoddesdon
- (b) The grounds of Bishops College and Emmanuel Lodge, Cheshunt
- (c) Land open to the public and owned by local trustees for open spaces at:
  - (i) Broxbourne recreation ground, Station Road Broxbourne
  - (ii) Baas Hill, Broxbourne
  - (iii) Cock Lane, Hoddesdon

Dated .....

THE COMMON SEAL of the Borough of Broxbourne Council was hereunto affixed in the presence of

.....  
Authorised Officer