The Anti-social Behaviour, Crime and Policing Act 2014
The Public Spaces Protection Order - (Malvern Hills District Council) 2017

Malvern Hills District Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on 1st June 2017 for a period of 3 years.

General provisions:

1. This order applies to all land in the administrative area of the Authority, as shown hatched and edged black on the attached plan, to which the public or any section of the public has access, on payment or otherwise, as or right or by virtue of express or implied permission.

2. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Obligations on persons with dogs:

3. Fouling
   If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:

   (a) he has reasonable excuse for failing to do 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.

4. Exclusion
   A person in charge of a dog must not take it into or keep it within a fenced/enclosed children’s play area and signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children’s play unless:

   (a) he has reasonable excuse for failing to do 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.

5. Means to pick up
   A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless:

   (a) he has reasonable excuse for failing to do 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.

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

6. Exemptions
Nothing in this order shall apply to a person who:-

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

(b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

- 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

- “An authorised officer of the Authority” means an employee, partnership agency or contractor of Malvern Hills District Council who is authorised by Malvern Hills District Council for the purposes of giving directions under the Order.

Date: 01.06.2017

EXECUTED AS A DEED by affixing the Common Seal of:

MALVERN HILLS DISTRICT COUNCIL

In the presence of

Jack Hegarty,
Chief Executive

Andy Baldwin,
Deputy Chief Executive