

Anti-Social Behaviour, Crime and Policing Act 2014, Section 59
Public Spaces Protection Order (Boroughwide) 2024

This Order is made by Sandwell Metropolitan Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to all areas within the Metropolitan Borough of Sandwell including public space in the Council's area and privately owned land made available to the public, to which the Act applies ("the Restricted Area").
2. The Council is satisfied that the two conditions below have been met, in that:-
 - a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - b. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

By this Order

3. The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times, unless specifically stated:-

Dog Fouling in Public Areas

- **“Making it an offence for a person in charge of a dog to fail to pick up the dog’s faeces forthwith should it defecate whilst in their control”**
- **“making it an offence for a person in charge of a dog to fail to be able to produce a receptacle to pick up dog faeces such as a dog poo bag”**
- **“making it an offence for a person in charge of a dog to allow a dog into an enclosed children’s play area / sports area”**

It is an offence to fail to comply with these requirements without reasonable excuse.

Exemptions apply to any:

- **blind person who uses a guide dog for assistance**
- **physically or mentally Disabled person who uses a disability assistance dog**
- **physically or mentally Disabled person who, due to their impairment, is unable to pick up their dog's faeces**

Restrictions

4. Period for which the order has effect

This order will come into force on 1st March 2024 and lasts for three years. At any point before the expiry of this period the Council can extend the order by up to three years if satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Order may also be varied in accordance with the requirements of Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

5. Failure to comply with this order

Section 67 of the Act states that it is an offence for any 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 this offence is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

6. Penalty Notices

Under Section 68 of the Act a constable or authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority. Failure to pay the fixed penalty notice may result in proceedings being issued for the offence under Section 67.

7. Validity of Order

Under Section 66 of the Act an “interested person” (being a person who lives in the restricted area or who regularly works in or visits that area) may

apply to the High Court to question the validity of a public spaces protection order (or a variation thereof). Such an application must be made within six weeks of the order being made.

The grounds on which an application under this section may be made are—

(a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);

(b) that the requirements of the legislation have not been complied with

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, totally or in part. The High Court can uphold, quash or vary the order.

8. DATED:

9. SEALED:

10. SIGNED: