

APPENDIX 1: Draft Public Spaces Protection Order for Consultation - Bath & North East Somerset

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

**THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014
(PUBLICATION OF PUBLIC SPACES PROTECTION ORDERS) REGULATIONS
2014**

**BATH AND NORTH EAST SOMERSET COUNCIL (DOG CONTROL) PUBLIC
SPACES PROTECTION ORDER NO. 1 OF 2026 ("The Order")**

Notice is hereby given that Bath and North East Somerset Council ("the Council") in exercise of its powers and being satisfied that the conditions set out in section 59 Anti-social Behaviour Crime and Policing Act 2014 ("the Act") are met, makes the following Public Spaces Protection Order ("PSPO") in relation to the Public Places in Bath and North East Somerset as shown described and outlined in red in the corresponding plans in the Schedule ("the Restricted Area(s)") to this Order.

Pursuant to section 74(1) of the Act, Public Place is defined as "any place to which the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission". The plural of Public Place namely "Public Places" has the same definition.

This Order may be cited as the Bath and North East Somerset Council (Dog Control) Public Spaces Protection Order No. 1 of 2026 and comes into force on [date to be inserted]. This Order will have effect for a period of 3 years, until [insert date].

The Council is satisfied on reasonable grounds that:

- (a) allowing dogs to roam off the lead ("the Activity") within the Restricted Areas has had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that the Activity will be carried on in a Public Place within the Restricted Areas and that it will have such an effect.

For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

The Council is further satisfied that the effect, or likely effect, of the Activity—

- (a) 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
- (c) justifies the restrictions imposed by the notice.

For the purposes of the following requirements an “Authorised Officer” is any Police Officer, or person authorised for the purposes of the Act by the Council.

The following requirements apply to all persons at all times unless one of the Exceptions applies.

1. Dogs on leads

Therefore, having consulted as required by section 72 of the Act, the Council under section 59(4) **requires (“The Requirements”):**

- i. Any person in charge of a dog within the Restricted Areas to have the dog on a lead; and
- ii. The dog’s lead shall not exceed 2 metres in length from handle to dog collar.
- iii. A person who fails to comply with the requirements of 1(i) or 1(ii) or both without reasonable excuse, shall be committing an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2. Dog fouling

Therefore, having consulted as required by section 72 of the Act, the Council under section 59(4) **requires (“The Requirements”):**

- i. Any person in charge of a dog within a Restricted Areas who has defecated must remove the faeces from the Restricted Area immediately.

- ii. A person who fails to comply with the requirements of 2 (i) without reasonable excuse, shall be committing an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Where the faeces has been placed in a receptacle which is provided for this purpose within the Restricted Area, this shall be a sufficient removal for the purposes of 2(i).

Pursuant to section 68 of the Act an Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under section 67 in relation to this Order.

EXCEPTIONS TO THE TERMS OF THIS ORDER

A Requirement in this Order does not apply if:

- I. The person in question has a reasonable excuse for failing to comply with the Requirement(s).
- II. The owner or other person of authority having control of the Restricted Area has consented (generally or specifically) to the person failing to comply with the Requirement. .
- III. The person is in charge of a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

For the purpose of this Order, a 'disability' means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a 'disabled person' means a person who has such a disability.

Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this order, the burden will be on him to prove that he satisfies the requirements of the exemption being relied upon.

Schedule: Proposed Restricted Areas

Description of the six (6) cemeteries owned by Bath & North East Somerset Council (“the Restricted Areas”), to which this Order will apply and see corresponding maps

Locksbrook Cemetery, Upper Bristol Road, Bath, BA1 3DQ

Harptree Cemetery, West Harptree Road, East Harptree, Somerset, BS40 6BQ

St. Michael’s Cemetery, St. Michael’s Road, Lower Weston, Bath, BA1 3BJ

Smallcombe Cemetery, 6 Widcombe Hill, Bath, BA2 6DD

St. James Cemetery, Lower Bristol Road, Bath, BA2 3BQ

Twerton Cemetery, Bellotts Rd, Twerton, Bath, BA2 3RT