

ANNEX D

THE COUNCIL OF THE CITY OF YORK

ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

The Council of the City of York Urination in Public Dog Control and Dog Fouling Public Spaces Protection Order 2024

1. This Order is made by The Council of the City of York (“The Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 (“the Act”).
2. This Order relates to the area described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order (“the restricted area”), being a public place in the Council’s area to which the Act applies:
 - 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 that they will have such an effect. The said activities being:
 - urinating and or defecating in public or communal spaces;
 - the control of dogs in public spaces;
 - dog fouling in public spaces.
 - That the effect, or likely effect of the activities described above 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.
3. In this Order:

“Assistance Dog” means a dog which has been trained:

- to guide a blind or partially sighted person;
- a dog which has been trained to assist a deaf person;
- a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects.
- A dog which has been trained to assist the police or any other official agency authorised by the Council.

“Authorised officer” means any Council officer, police officer, police community support officer, or any other person designated to enforce the Order by the Council of the City of York. Any authorised officer shall present, upon request, authorisation before enforcing the Order.

“Person in charge of a dog” means the owner, or whoever is in charge of the dog, at the time the offence is committed.

“Proper Control” means that the person in charge of a dog should not allow it to cause fear, alarm, or distress to any person or animal in the vicinity. This includes permitting the dog to repeatedly behave aggressively towards or make unrestrained, unwanted physical contact with another person or animal.

“Public Space” means any space to which the public or a part of the public has access (section 74(1) of the Anti-Social Behaviour, Crime and Policing Act 2014). This can be with payment, or with express or implied permission. This includes businesses and communal areas of housing blocks, but excludes residential premises.

“Register” means a register compiled under section 29 of the National Assistance Act 1948.

“Road” means any highway, whether adopted by the local authority or not, and any other road to which the public has access, and includes bridges over which a road passes.

BY THIS ORDER

4. The effect of the Order is to impose the following prohibitions at all times in the restricted area, shown edged in Black on the attached map in the Schedule:

Offences relating to dogs

- a. If a dog defecates in the restricted area, the person in charge of the dog must remove the faeces from the land immediately and ensure that any dog faeces picked up are subsequently deposited in an appropriate waste receptacle.
- b. A person in charge of a dog on land to which this order applies must ensure that the dog is kept under proper control at all times.

Offence relating to urinating and or defecating in public or communal spaces

- c. A person is prohibited from urinating or defecating in any public space, community space or doorway.

Any person who fails to comply with any of the conditions in this Order listed above commits an offence subject to the specific exemptions listed in paragraphs 5 and 6.

5. Any person in charge of an assistance dog may seek to rely upon one or more of the exemptions below to the offences listed in paragraphs 4a and 4b. Where a person is in charge of a dog and wishes to rely upon an exemption under this paragraph, they must demonstrate that they satisfy the requirements of the exemption.
 - a. An exemption shall apply to a person who is on the Register as blind or partially sighted and is the person in charge of an assistance dog which defecates on land to which this order applies shall be considered to have a reasonable excuse for failing to pick up after the dog in relation to paragraph 4a of this Order.

- b. An exemption shall apply to anyone training an assistance dog in an official capacity in relation to paragraph 4b.
 - c. An exemption shall apply to a person in charge of a dog where that dog is being used by the police or other agencies permitted by the Council, for official purposes.
- 6. A person may seek to rely upon an exemption to the offence listed in paragraph 4c provided that they are able to provide a reasonable excuse. Whether a person shall be considered to have a reasonable excuse will be at the discretion of the authorised officer. Where a person wishes to rely upon an exemption under this paragraph, they must demonstrate that they satisfy the requirements of the exemption and may be required to provide evidence in support of any reasonable excuse.
- 7. The Order will remain in force for a period of [3] years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
- 8. In this area, any person who fails to comply with any of the conditions set out in paragraph 3 of this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a fixed penalty notice of £100, reduced to £75 for payment within the first 14 days.

THE SCHEDULE

1. The Restricted area is described as the area bordered by [street names, roads or feature eg. the City Walls] and is shown edged in Black on the map attached hereto.

