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**THE COUNCIL OF THE CITY OF GLOUCESTER (PUBLIC SPACES PROTECTION ORDER 2018) (DOGS AND ALCOHOL) EXTENSION ORDER 2021**

**Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014**

The Council of the City of Gloucester (referred to hereafter as 'the Council') hereby makes the following Public Spaces Protection Order. The land outlined in green in Appendix 2 being land in the area of the Council ("the Designated Area") is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") applies and is protected by the Order.

This Order may be cited as the Council of the City of Gloucester (Public Spaces Protection Order 2018) (Dogs and Alcohol) Extension Order 2021 ("the Order").

**This purpose of the Order is to extend the Public Spaces Protection Order 2018 for a period of 3 years and will take effect on 30 November 2021**

**The following prohibitions are imposed on the use of the Designated Area:**

**For the entire City, as outlined in green on the map in Appendix 2:**

**1. Dogs**

**Any person in control or in charge of a dog within the Designated Area in a public place must comply at all times with the conditions 1 to 3 inclusive within Appendix 1 which, in summary, requires that:**

- a) Dogs must be kept under control at all times. Any person in charge or control of a dog, at any time, must put the dog on a lead if requested to do so by an authorised person.
- b) Any person in control of a dog, at any time, must not allow it to enter or remain in any children's play park
- c) Any person in control of a dog, at any time, must clean up any faeces deposited by that dog

Unless subject to exemptions listed in paragraph 3 of Appendix 1 below.

**2. Alcohol**

**Any person within the Designated Area must comply at all times with condition 4 within Appendix 1, which, in summary, requires:**

Any person shall stop drinking alcohol in any public place, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

Unless exempt by virtue of paragraph 5 of Appendix 1.

For the purposes of this Order:

'public place' means any place to which the public or any section of the public has access including highway land, on payment or otherwise, as of right or by virtue of express or implied permission;

'alcohol' means any liquid intended for consumption by the person in possession of it, or purchased for the use of any other person, containing more than 0.05% alcohol by volume.

**In issuing the order the Council is satisfied that:**

1. (a) Anti-social behaviour associated with the control of dogs or alcohol ("the named activities") carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or  
(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect
2. The effect, or likely effect, of the named activities:  
(a) is, or is likely to be, of a persistent and continuing nature;  
(b) is, or is likely to be, such as to make the activities unreasonable; and  
(c) justifies the restrictions imposed by the notice
3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

**GENERAL PROVISIONS**

1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.
2. "Authorised Person" means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

THE COMMON SEAL of THE COUNCIL OF THE CITY OF )  
GLOUCESTER affixed hereto is authenticated by the )  
undersigned a person authorised by the )  
Council to act for that purpose: )

*Signature*

Authorised Signatory

Dated this 26 November 2021



A copy of this Order can be seen at [Public Spaces Protection Orders - Gloucester City Council](#)

## **Appendix 1**

### **OBLIGATIONS ON PERSONS WITH DOGS**

#### **1. 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 immediately unless:

- a) they have 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 offence does not 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 who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

#### **2. Dogs on leads when directed**

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an Authorised Person of the Authority to put and keep the dog on a lead unless:

- a) they have 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.

An Authorised Person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

#### **3. Dog exclusion in specified areas**

The offence does not 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 who relies upon a dog trained by a prescribed charity for assistance.

### **PROHIBITION OF ALCOHOL CONSUMPTION**

#### **4. Prohibition of alcohol consumption**

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or

b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

#### **5. Premises etc. to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

(a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;

(b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

(c) a place within the curtilage of premises within paragraph (a) or (b);

(d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

(a) when the premises are being used for the supply of alcohol, or

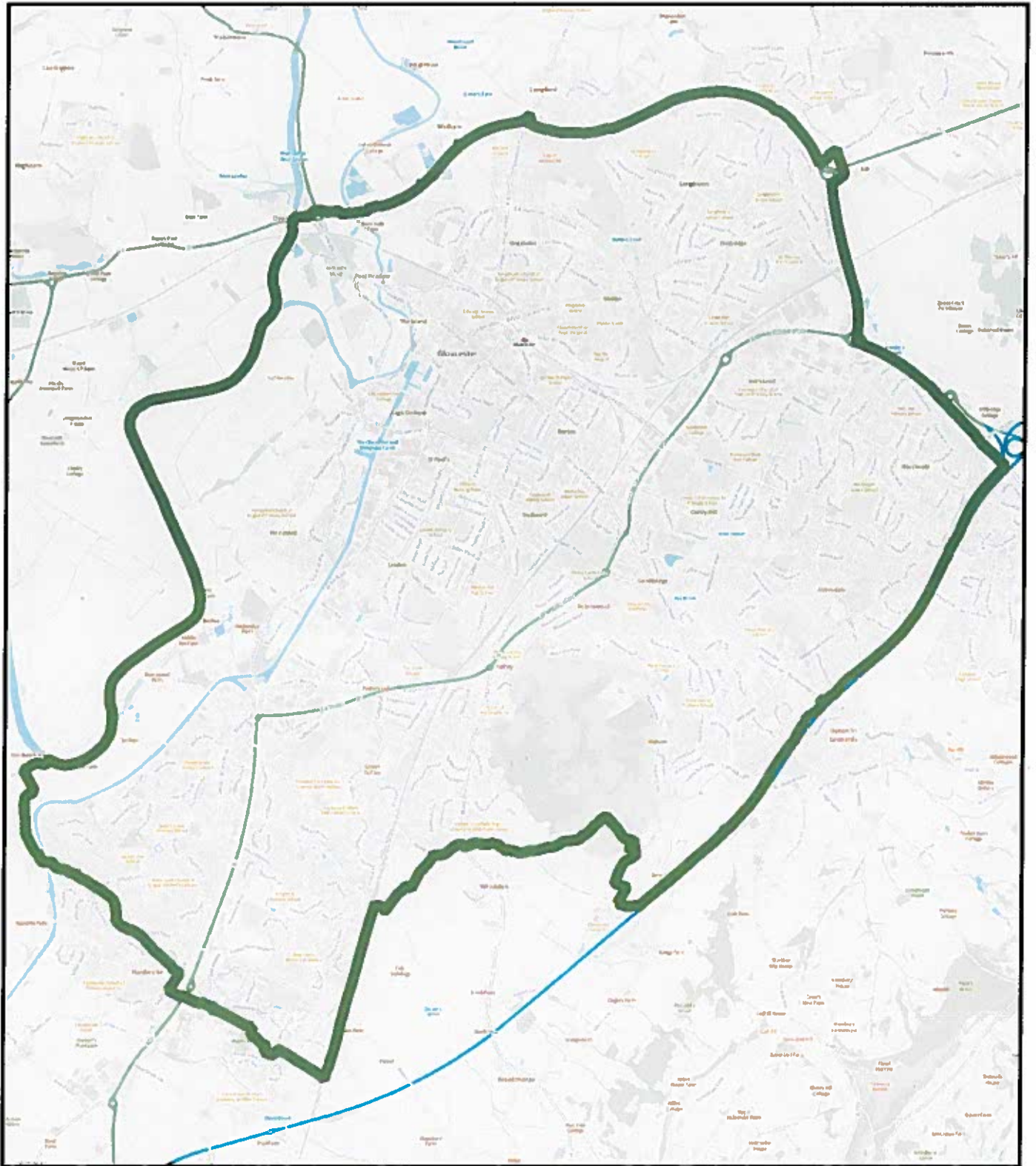
(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.





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