**EXPLANATORY NOTES ON AN OFFENCE UNDER THE LEGISLATION**

**ANTI SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER**

**THE DOGS ON LEADS BY DIRECTION (WARWICK DISTRICT COUNCIL)**

**ORDER 2011**

**Offence**

4.1 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not comply with a direction given him by an authorised officer of the Council to put and keep a dog on a lead unless-

1. he has reasonable excuse for failing to do so; or
2. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
   1. For the purposes of this article –
3. 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;
4. an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

**Penalty**

1. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE

1. Subject to the exception in paragraph 2 below, this order applies to all land which is within the administrative area of Warwick District Council and which is –
2. open to the air (which includes land that is covered but open to the air on at least one side) and;
3. to which the public are entitled or permitted to have access with or without payment, and is not land for which dogs are required to be kept on leads by virtue of The Dogs on Leads (Warwick District Council) Order 2011.
4. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.