EAST DEVON DISTRICT COUNCIL

The Anti Social Behaviour Crime and Policing Act 2014

Public Spaces Protection Order 20

Control of Dogs

This Order is made by East Devon District Council ("The Council") under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act") and remains in force for a period of 3 years from the date of the Order.

1. This Order relates to:

   (i) All land which is in the administrative area of the Council and defined by the line edged red on the plan attached to this Order and which is open to the air (which includes land that is covered but open to the air on at least one side and to which the public are entitled or permitted to have access (with or without payment), (" the restricted area"),

   And

   (ii) the designated areas described in the Schedule below and defined in each of the plans attached to this Order being public spaces in the Council's administrative area to which the Act applies:

2. The Council is satisfied that the 2 conditions below have been met, in that:

   (a) Activities carried out in the restricted areas 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 places and that they will have such an effect. The said activities being dog fouling, dog(s) off lead, dogs in exclusion areas.

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(b) The effect or the 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.

BY THIS ORDER

3. The effect of this Order is to impose the following prohibitions and/or requirements at all times:

In the restricted areas any person who does not comply with the following requirements commits an offence:

Fouling

If within the restricted area a dog defecates at any time on land 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, and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith and properly dispose of it, that person shall be guilty of an offence unless

(i) he has reasonable excuse for failing to do so: or
(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

For the purposes of this Order:

i) A person registered as blind in a register compiled under section 29 of the National Assistance Act 1948 shall not be guilty of an offence if they are alone with the dog and unable to remove the faeces;

ii) A person with a disability which affects his mobility, manual dexterity, physical coordination or ability to lift and who relies for assistance on a dog trained by a prescribed charity shall not be guilty of an offence if they are alone with the dog and unable to remove the faeces. A “prescribed charity” is:
- Dogs for the Disabled (Registered Charity no. 700454)
- Support Dogs (Registered Charity no.1088281)
- Canine Partners for Independence (Registered Charity no. 803680)

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iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.
iv) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Dog(s) on lead on the highway

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not keep his dog on a lead less than 1m in length whilst on the public highway or on footpaths adjacent to the highway, unless he has reasonable excuse for failing to do so.

(i) Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

Dog(s) on lead by direction

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not comply with a direction given to him by an authorised officer of the council or a Police Officer to put and keep the dog on a lead unless

(i) he has reasonable excuse for failing to do so: or
(ii) 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 officer or Police Officer may only give a direction under the 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.

Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

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No more than 6 dogs

On land 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, the maximum number of dogs which a person may take onto the land is 6 unless

(i) he has reasonable excuse for failing to do so; or
(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Dog(s) on lead Areas

A person in charge of a dog shall be guilty of an offence if, at any time on land designated as a Dog on Lead Area detailed in the Schedule below, he does not keep the dog on a lead unless

(i) he has reasonable excuse for failing to do so: or
(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(iii) failing to have a lead in his/her possession at the time shall not be a reasonable excuse for failing to do so.

Dog Exclusion Areas (except Beaches)

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land designated as a Dog Exclusion Area detailed in the Schedule below unless

(i) he has reasonable excuse for failing to do so: or
(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. 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.

5. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale or a fixed penalty notice of £80.

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Liability to conviction for the offence may be discharged by the payment of a fixed penalty notice issued by an authorised officer or police officer. The amount of the fixed penalty notice shall be £80 and it shall be payable to East Devon District Council.

Where a fixed penalty notice is issued no proceedings will be taken for the offence before the end of the period of 14 days following the date of the notice. The person served may not be convicted of the offence if the fixed penalty notice is paid before the end of the 14 day period.

An authorised officer means an employee of the Council, or other person who is authorised in writing by the Council, or a Police Officer for the purpose of giving directions or carrying out enforcement under this order

THE SCHEDULE

The following designated areas are Dog exclusion areas and Dog on lead areas (other than on the Seashores and Promenades): *New areas and locations with proposed amendments shown in red italics.*

Axminster

Dog exclusion areas	**Dog on lead areas**
Land at First Avenue (to rear of Millwey Rise shops)	Axminster cemetery
Millwey Rise play park and football field	St Mary's churchyard
Bonners Glen play area	The Old Court House Gardens (Church Street)
Foxhill play park and field	Loretto Road/ Cridlake recreation ground
North Street / Willhays play park and field	
Lynch Close play area	
Axe Valley Community College (entire grounds)	
Axminster County Primary School (entire grounds)	
St Mary's Catholic Primary School	

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Land at Woodbury Park	
Foxhill Green (opposite 33)	

Axmouth.

Dog exclusion Areas	Dog on lead Areas
	Proposed Change : Add From the junction with B3172 to 'The Old Harbour House'

Beer

Dog exclusion areas	Dog on lead areas
Jubillee Memorial Garden play area	Jubilee Memorial Gardens (Sea Hill)
Ash Hill play area	Charlie's Yard
Underleys play park	

Branscombe

Dog exclusion areas	Dog on lead areas
Branscombe play park	Branscombe playing field

Broadclyst

Dog exclusion areas	Dog on lead areas
Holly Close playground	*Proposed Change : Holly Close recreation field – remove restriction*

Broadhembury

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Dog exclusion areas	
Broadhembury Primary School site	
Broadhembury School playing field	

Budleigh Salterton

Dog exclusion areas	Dog on lead areas
Greenway Lane play area	Greenway Lane playing field
Lime Kiln skate park	
Lime Kiln play area	
Proposed change : Add Norman Crescent Play Area	

Chardstock

Dog exclusion areas	Dog on lead areas
Chardstock play area	Chardstock Community Hall car park

Clyst St Lawrence

Dog exclusion areas
Clyst St Lawrence play area

Clyst St Mary

Dog exclusion areas
Clyst St Mary playground (adjacent to village hall)

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Colyton

Dog exclusion areas
Peace Memorial Playing Field
Road Green Play Ground
Colyton Picnic site (Hillhead)

Cranbrook.

Dog exclusion areas	**Dog on lead areas**
Proposed change : Add Hayes Square play park	
Proposed change : Add St Martins play park	
Proposed change : Add Londinium Way play park, Rockbeare	
Proposed change : Add Cranbrook Nature Reserve south of old A30	

Dunkeswell

Dog exclusion areas
Dunkeswell New Century Park
Dunkeswell sports field, BMX track and allotments
Churchill playground (Old Dunkeswell)

Exmouth

Dog exclusion areas	**Dog on lead areas**
Carter Avenue play area (King George's Field)	The Pavilion Grounds
Children's Play Area -The Maer Exmouth	Manor Gardens

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(Maer play trail)	
Imperial Recreation Ground play area	The Strand
Phear Park skate park and BMX area Phear Park play park	Warren View playing fields
Withycombe Raleigh football field	Truro Drive land surrounding children's play area
Cheriswood Avenue play area	*Proposed change : Carter Avenue playing field (King George's Field) – remove restriction.*
Ashfield Close play area (Liverton Copse)	
Field at Brixington Lane play ground	
Ivydale play area	
The Crescent play area (Littleham) and MUGA	
West Down Lane play area (Littleham Village Hall)	
Durham Close play area	
Truro Drive play area	
Keats Close play area	
Brittany Road play area (Lady Byron)	
Byron Way play area	
Betjeman Drive play area	
St Sevan Way/ St Malo playground	
Proposed change : Add Redgates' play area at Hadrians Way	
Thomas Close play area (Poets Corner)	
Proposed change : Add Whitman Close play area	

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Exton

Dog exclusion areas
Exton play area (opposite The Puffing Billy)
Goosefield

Feniton

Dog exclusion areas
The Signals play area
Coventry Close play area and allotments
Ely Close play area

Honiton

Dog exclusion areas	Dog on lead areas
Upland Chase play area	The Glen, Glenview
Willow Walk play area	The following footpaths:
Biddington Way play area	1. The permissive path from Battishorne Way to Roundhall Wood
Heron Road playground	2. From apposite Hawthorn Close to the rear of Millhead Road to Ernsborough Gardens
St Leonard's play area St Paul's play area	3. Vine Inn Yard/ Greyhound Plot/ Northcote Lane
Jerrard Close play area	4. High Street to Queen Street
Millers Way play area (Davey playing field)	5. End of Chapel Street to St Michael's Day Centre
Mountbatten playing field	6. Pine Park Road Railway Bridge through Westcott Way/ Orchards Way to the roundabout on Kings Road
Allhallows play area (Northcote Lane)	7. Queen Street to Park Pine Railway Bridge

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Allhallows skate park (School Lane)	through the Glen and Millennium Green into Parsonage Way
Charles Road play area	8. Top of Church Hill through Lynch Gate past St Michael and All Angels Church into Lower Marlpitts Hill
Pale Gate Close play area	9. From St Michael and All Angels Church through cemetery and into Gardiners Lane
Glen Farm play area	10. From Beech Grove past Hale Farm and into Axminster Road (both paths) and then from Axminster Road to Springfield Road
Dove Close play area	11. From Hale Farm to Northcote Hill past Perry Hale Nursery
Whitebridges play area (Honiton Bottom Road)	12. From Hale Farm to Hutgate Lane and onto Northcote Hill Farm
Cherry Close play area (Old Elm Road)	13. Lower Marlpitts Hill through golf course and into Farway Common Road
Butts Close play area	14. Farway Common Road via golf course to Wad Moor Lane
St Marks play area	15. From Langford Road past Cheneys Farm to Monkton Road
Woodmans Park (Crosscut Way)	16. The Gissage Riverside Walk at Oak Lea
Brand Lane play area	17. Higher Brand Lane at Gardiners Cross to Wetherill Road opposite Buttery Road

Luppitt

Dog exclusion areas	
Luppitt sports field	

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Lympstone

Dog exclusion areas	Dog on lead areas
Proposed change : Add Candy's field play area	*Proposed change : Add Candy's playing field*

Newton Poppleford

Dog exclusion areas
Back Lane play park and playing field

Otterton

Dog exclusion areas
Behind Hayes playground Stantyway Lane Playing Field

Otterv St Mary

Dog exclusion areas	Dog on lead areas
Land of Canaan play area	Land of Canaan
Winters Lane play area	
Proposed change : Add Elliot Close MUGA	

Rockbeare

Dog exclusion areas
Rockbeare playing field and play area
Rockbeare Primary School playing field
Rockbeare Village Hall grounds

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Grass verges opposite school entrance (Stoneylands)

Seaton

Dog exclusions areas	Dog on lead areas
Cliff Field Gardens	Tower Hill picnic site
Seafield and Festival Gardens and play area	
Underfleet play area and skate park	
Meadway play area	
Elizabeth Road play park	

Sidbury

Dog exclusion areas
Furzehill play area

Sidmouth

Dog exclusion areas	Dog on lead areas
Manstone Lane play area Manstone Lane skate park	Coburg Lawns
Long Park play area (Arcot Road)	Putting Green and Three Cornered Plot (The Triangle)
Proposed change : Add The Ham play area (Rosedale)	Blackmore Gardens
	Connaught Gardens including the pathways down from Peak Hill to Jacobs Ladder beach
	Glen Goyle (Glen Road)

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	Long Park recreation ground
	Proposed change : Add The Ham recreation ground

Sidford

Dog exclusion areas	**Dog on lead areas**
Byes Lane play park (Sidford recreation field)	Sidford playing field (Byes Lane)
Stowford Rise play area (Andrew Close)	
Proposed change : Add Bakers Close play area	
Proposed change : Add Lindemann Close play area	

Stoke Canon

Dog exclusion areas
Proposed change : Add River Close playing field
Proposed change : Add River Close play area

Uplyme

Dog exclusion areas	**Dog on lead areas**
King George V play area and playing field (adjacent to Hall)	King George V playing field footpath

Woodbury

Dog exclusion areas	**Dog on lead areas**

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Woodbury Village Green play area	Woodbury Village Green
Woodbury recreation ground	
Woodbury Cricket field (seasonal ban from 1 May-30 Sept)	

Woodbury Salterton

Dog exclusion areas
New Way/ Stony Lane play area

By resolution of East Devon District Council dated …….

The Common Seal of the

East Devon District Council

Hereunto affixed this….day

of …….2017 in the presence of

Strategic Lead - Legal, Licensing and Democratic Services/Deputy Chief Executive/ Chief Executive

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