



EAST DEVON DISTRICT COUNCIL

The Anti-Social Behaviour, Crime and Policing Act 2014

Seashores and Promenades

Public Spaces Protection Order 20

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. The Order relates to the beaches described at Section 2 and in Schedule 1 below and defined by the line edged red on the plans attached to this Order (“the restricted areas”), being public spaces in the Council’s administrative area to which the Act applies:
2. For the purposes of this Order the “seashore” includes the foreshore and beach and means any and each of the following parts of the seashore within the administrative district of East Devon:
 - (i) The foreshore and all the beach sands rock and any seawall or bank adjoining the same within the area of Exmouth Town Council and extending from the north end of The Royal Parade in the west to Orcombe Point in the east.
 - (ii) The seashore within the area of Budleigh Salterton Town Council
 - (iii) The seashore within the area of Sidmouth Town Council
 - (iv) The seashore within the area of Beer Parish Council
 - (v) The seashore from the White Cliff, Seaton in the west to the mouth of the River Axe in the east within the area of Seaton Town Council.
3. The Council is satisfied that the 2 conditions below have been met, in that
 - (a) Activities carried on 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 place and that they will have such an effect. The said activities being dogs off leads on beaches, dogs within seasonal exclusions areas, and the feeding of seagulls.

- (b) 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.

BY THIS ORDER

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

Dogs 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 Dogs on Lead Area detailed in Schedule 1 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 shall not be a reasonable excuse for failing to do so

Seasonal Dog Exclusion Areas

A person in charge of a dog shall be guilty of an offence if, between, 1st May and 30th September in any year, 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 Schedule 1, 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.

Feeding of seagulls

A person shall be guilty of an offence if, at any time, he provides or deposits food for consumption by seagulls on the promenades, beaches and/or foreshore within the administrative area of East Devon District Council unless he has reasonable excuse for doing so.

5. The Order will remain in force for a period of three years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
6. A person guilty of an offence under conditions (a) or (b) above, under section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £80.

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

Schedule

The following designated areas are Dog on Lead areas and Seasonal Dog Exclusion Areas:
New areas and locations with proposed amendments shown in red italics.

Exmouth

Dog on Lead Areas	Seasonal Dog Exclusion Areas
Beach Gardens	<i>Proposed change : The beach between a point opposite the Octagon in the west and the second groyne before Orcombe Point in the east.</i>

Budleigh Salterton

Dog on Lead Areas	Seasonal Dog Exclusion Areas
The promenade between the outfall opposite South Parade in the west and a point opposite Lime Kiln in the east.	The beach between the outfall opposite South Parade in the west and a point opposite Lime Kiln in the east.

Sidmouth

Dog on Lead Areas	Seasonal Dog Exclusion Areas
The esplanade between the west end of the beach huts at Jacobs Ladder and the eastern facing access ramp opposite Ham Lane in the east.	<i>Proposed change : The beach between the west end of the beach huts at Jacobs Ladder and the eastern facing access ramp opposite Ham Lane in the east.</i>

Beer

Dog on Lead Areas	Seasonal Dog Exclusion Areas
<i>Proposed change : Beer beach from a point immediately below Charlie's Yard in the west to the last beach hut in the east from 1st May to 30th September every year.</i>	Beer beach from a point immediately below Charles Yard in the east extending in a westerly direction for 200m.

Seaton

Dog on Lead Areas	Seasonal Dog Exclusion Areas
West Walk between The Chine and Castle Hill	The beach between Castle Hill in the west and Trevelyan Road in the east, including the walkway adjacent to the beach.
<i>Proposed change : The walkway adjacent to the beach between Castle Hill and Trevelyan Road between 1st October and 30th April every year.</i>	

By resolution of East Devon District Council dated

The Common Seal of the
East Devon District Council
Hereunto affixed this....day
of2017 in the presence of

Strategic Lead - Legal, Licensing and Democratic Services

Chief Executive