

## **EAST DEVON DISTRICT COUNCIL**

### **The Anti Social Behaviour Crime and Policing Act 2014**

### **Public Spaces Protection Order 2023**

### **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:
- (iii) Except land that is placed at the disposal of the Forestry Commissioner under section 39 (1) of the Forestry Act 1967

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.

- (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 Good (Registered Charity no. 1092960)

- Support Dogs (Registered Charity no.1088281)
  - Canine Partners for Independence (Registered Charity no. 803680)
- 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 roads and pavements**

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 a public road or on a pavement adjacent to a road, 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.
- (ii) In this order 'a road' is a 'highway with a right of passage for motor vehicles'.

### **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.

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

### **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.

### **Exemption**

An exemption will apply for certain working dogs, those involved in law enforcement, military duties, statutory emergency services and search/rescue services and those using a working dog(s) for agricultural activities (including activities regulated by the Hunting Act 2004).

### **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 £100.

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 £100 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):

### Axminster

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Land at First Avenue (to rear of Millwey Rise shops)	Axminster cemetery
Millwey Rise play park and football field	St Mary's churchyard
Bonnars Glen play area	The Old Court House Gardens (Church Street)
Foxhill play park, field and triangle	Loretto Road/ Cridlake recreation ground
North Street / Willhays play park and field	

Lynch Close play area	
Axe Valley Community College (entire grounds)	
Axminster Community Primary Academy (entire grounds)	
St Mary's Catholic Primary School	
Land at Woodbury Park	

### Axmouth.

<b>Dog exclusion Areas</b>	<b>Dog on lead Areas</b>
Jubilee Playground Chapel Lane	From the junction with B3172 to 'The Old Harbour House'
	Boat Yard and car park at Axe Yacht Club, The Harbour

### Beer

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

### Branscombe

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Branscombe play park	Branscombe playing field

### Broadclyst

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Holly Close playground	Holly Close recreation field

### **Broadhembury**

<b>Dog exclusion areas</b>	
Broadhembury Primary School site and playing field	
Broadhembury play park	

### **Budleigh Salterton**

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Greenway Lane play area	Greenway Lane playing field
Lime Kiln skate park	
Lime Kiln play area	
Norman Crescent play area	

### **Chardstock**

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Chardstock play area	Chardstock Community Hall car park

### **Clyst Honiton**

<b>Dog exclusion areas</b>
Play area adj. old church hall

### **Clyst St Lawrence**

<b>Dog exclusion areas</b>
Foretown Estate play area

**Clyst St Mary**

<b>Dog exclusion areas</b>
Clyst St Mary playground (adjacent to village hall)

**Collaton Raleigh**

<b>Dog exclusion areas</b>
Play park, Church Road

**Colyford.**

<b>Dog exclusion areas</b>
Whitwell Lane play park

**Colyton**

<b>Dog exclusion areas</b>
Peace Memorial playing field
Road Green playground
Colyton Picnic site (Hillhead)

**Cranbrook.**

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Hayes Square play park	
St Martins play park	
Cranbrook Nature Reserve south of old A30	



Ingrams sports pitches	
Phase 3 Country Park play area	
Crannaford allotments play area	
Northwood Acres play area	
Southbrook Meadow play area	

### Dunkeswell

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

### Exmouth

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Carter Avenue play area and MUGA (King George's Field)	The Pavilion Grounds
Children's Play Area -The Maer Exmouth (Maer play trail)	Manor Gardens
Imperial Recreation Ground play area	The Strand
Phear Park skate park and BMX area	Warren View playing fields
Phear Park play park	Truro Drive land surrounding children's play area
Withycombe Raleigh football field	Carter Avenue playing field (King George's Field)
Cheriswood Avenue play area	Food and drink outlet space within Queen's Drive Space, Queen's Drive
Ashfield Close play area (Liverton Copse)	

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	
Redgates' play area at Hadrians Way	
Thomas Close play area (Poets Corner)	
Whitman Close play area	
Queen's Drive space play area	
Queen's Drive Event Space, Queen's Drive	

### Exton

<b>Dog exclusion areas</b>
Exton play area (opposite The Puffing Billy)
Goosefield

### Feniton

<b>Dog exclusion areas</b>
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The Signals play area
Coventry Close play area and allotments
Ely Close play area

### Honiton

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Upland Chase play area	
Willow Walk play area	The following footpaths:
Biddington Way play area	The permissive path from Battishorne Way to Roundball Wood
Heron Road playground	Farway Common Road via golf course to Wad Moor Lane
St Leonard's play area	Footpath 1. From opposite Hawthorn Close to the rear of Millhead Road to Ernsborough Gardens
Langford Avenue play area	Footpath 3. Vine Inn Yard/ Greyhound Plot/ Northcote Lane
Jerrard Close play area	Footpath 4. High Street to Chapel Street and St Michael's Day Centre
Millers Way play area (Davey playing field)	Footpath 6. From Church Hill to Pine Park Road
Mountbatten playing field	Footpath 7. Pine Park Road Railway Bridge through Westcott Way and Orchard Way to the roundabout on Kings Road
Allhallows playing field (School Lane)	Footpath 8. Through the Glen into Parsonage Lane
Allhallows play area (Northcote Lane)	Footpath 9. Top of Church Hill through Lych Gate past St Michael and All Angels Church into Lower Marlpits Hill

Allhallows skate park (School Lane)	Footpath 10. From St Michael and All Angels Church through cemetery and into Gardiners Lane
Charles Road play area	Footpath 11. From Church Hill through part of Avenue Mezidon-Canon to Haydons Park
Pale Gate Close play area	Footpath 12. From Beech Grove past Hale Farm and into Axminster Road
Glen Farm play area	Footpath 13. From Hale Farm to Northcote Hill past Perrie Hale Nursery
Dove Close play area	Footpath 14. From Hale Farm to Hutgate Lane and onto Northcote Hill Farm
Whitebridges play area (Honiton Bottom Road)	Footpath 15. From footpath 12 east of Hale Farm to and across Axminster Road to Springfield Road (both paths)
Cherry Close play area (Old Elm Road)	Footpath 17. Lower Marlpits Hill through golf course and into Farway Common Road
Butts Close play area	Footpath 19. From Langford Road near Langford Bridge to Monkton Road
St Marks play area	Footpath 23. Higher Brand Lane at Gardiners Cross to Weatherill Road opposite Buttery Road
Woodmans Park (Crosscut Way)	Footpath 24. From Rosemount Lane to Millers Way
Brand Lane play area	Footpath 25. Church Street between High Street and Silver Street
Phillips Square play area	

### Kilmington

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Kilmington Play area (Whitford Road)	Kilmington Play area (Whitford Road)

### Luppitt

<b>Dog exclusion areas</b>	
Luppitt sports field	
Millrise play area	

### Lympstone

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Candy's field children's play area	Candy's playing field

### Membury

<b>Dog exclusion areas</b>
Playing field

### Newton Poppleford

<b>Dog exclusion areas</b>
Back Lane play park and playing field

### Otterton

<b>Dog exclusion areas</b>
Behind Hayes playground

### Ottery St Mary

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>
Land of Canaan play area	Land of Canaan
Winters Lane play area and MUGA	

Elliot Close MUGA	
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**Rockbeare**

<b>Dog exclusion areas</b>
Rockbeare playing field and play area
Rockbeare Primary School playing field
Rockbeare Village Hall grounds
Grass verges opposite school entrance (Stoneylands)

**Seaton**

<b>Dog exclusions areas</b>	<b>Dog on lead areas</b>
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**

<b>Dog exclusion areas</b>
Furzehill play area

**Sidford**

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>

Byes Lane play park (Sidford recreation field)	Sidford playing field (Byes Lane) – pitches 1 and 2
Stowford Rise play area (Andrew Close)	
Bakers Close play area	
Lindemann Close play area	

### Sidmouth

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

### Stoke Canon

<b>Dog exclusion areas</b>
River Close playing field
River Close play area

### Uplyme

<b>Dog exclusion areas</b>	<b>Dog on lead areas</b>

King George V play area and playing field (adjacent to Hall)	King George V playing field footpath
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**Woodbury**

Dog exclusion areas	Dog on lead areas
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 – grassed area only

By resolution of East Devon District Council Cabinet Minute 131 dated 04/01/2023

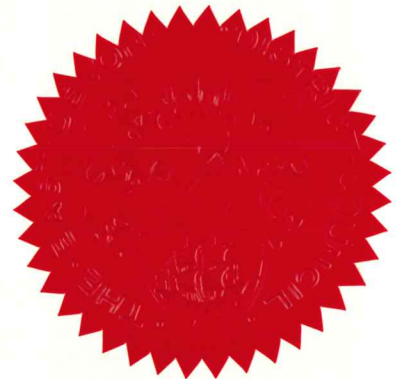
The Common Seal of the

East Devon District Council

Hereunto affixed this 22<sup>nd</sup> day

of March 2023 in the presence of

AL Williams

20541

Interim Director– Governance and Licensing/





