



## **EAST DEVON DISTRICT COUNCIL**

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

#### **Controls on Seashores and Promenades**

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

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 to mean low water level 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, 1<sup>st</sup> May and 30<sup>th</sup> 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/~~she~~/~~they~~ 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 **£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

## Schedule

The following designated areas are Dog on Lead areas and Seasonal Dog Exclusion Areas:

### Exmouth

Dog on Lead Areas	Seasonal Dog Exclusion Areas
Beach Gardens	The beach between Octagon Café and the second groyne before Orcombe point.  <b>Proposed change: The requirement applies between the hours of 09:00 and 18:00 during</b>

	the summer season (1 <sup>st</sup> May to 30 <sup>th</sup> September)
Proposed change: The Esplanade adjacent to the beach between Mamhead Slipway and the cliffs at Orcombe Point.	

### Budleigh Salterton

Dog on Lead Areas	Seasonal Dog Exclusion Areas
Proposed change: The Esplanade and grass area adjacent to the beach between South Parade and Lime Kiln car park.	<p>Budleigh Salterton beach between South Parade and Lime Kiln car park.</p> <p>Proposed Change: The requirement applies between the hours of 09:00 and 18:00 during the summer season (1<sup>st</sup> May to 30<sup>th</sup> September)</p>

### Sidmouth

Dog on Lead Areas	Seasonal Dog Exclusion Areas
Proposed change: The stepped area in front of the beach huts at Jacobs Ladder, and the Esplanade adjacent to the beach between Jacobs Ladder to the last access ramp onto the beach at the turning circle at The Ham	<p>Proposed change: The beach between Jacob's Ladder and the access ramp opposite Sidmouth Sailing Club and Sea Angling Club</p> <p>Proposed change: The requirement applies between the hours of 9:00 and 18:00, 1<sup>st</sup> May to 30<sup>th</sup> September</p>

### Beer

Dog on Lead Areas	Seasonal Dog Exclusion Areas
Proposed removal: Beer beach from a point immediately below Charlie's Yard in the west	Proposed change: Beer beach from a point below the access path at Sea Hill onto the

to the last beach hut in the east from 1 <sup>st</sup> May to 30 <sup>th</sup> September every year.	beach to the edge of the cliffs in the west, excluding the dogs on lead access to the beach café located within the Dog Exclusion Zone  Proposed change: The requirement applies between the hours of 9:00 and 18:00, 1 <sup>st</sup> May to 30 <sup>th</sup> September
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**Seaton**

<b>Dog on Lead Areas</b>	<b>Seasonal Dog Exclusion Areas</b>
Proposed change: The Esplanade from The Chine including West Walk to Trevelyan Road	Proposed change: The beach between Caste Hill and Trevelyan Road.  Proposed change: The requirement applies between the hours of 9:00 and 18:00, 1 <sup>st</sup> May to 30 <sup>th</sup> September

By resolution of East Devon District Council dated xx/xx/2023

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

Principal Solicitor/Strategic Lead – Governance and Licensing/  
Chief Executive