



The Anti-Social Behaviour, Crime and Policing Act 2014

ADUR DISTRICT COUNCIL PUBLIC SPACES PROTECTION ORDER 2016

NUMBER 1: DOGS

This PSPO shall come into effect on 19th December 2016

The Adur District Council (in this Order Called "the Council") makes the following Order:

1. THE FOULING OF LAND BY DOGS

This Order applies to the land specified in Schedule 1.

- (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who -
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article –
 - (a) 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;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) each of the following is a “prescribed charity” –
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

2. THE DOGS ON LEADS BY DIRECTION

This Order applies to the land specified in the Schedule 2.

In this Order “an authorised officer of the Council” means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

- (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 the dog on a lead, unless –
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article –
 - (a) 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.
 - (b) 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 [on any land to which this order applies] or the worrying or disturbance of any animal or bird.

3. THE DOGS ON LEADS

This Order applies to the land specified in Schedule 3.

Offence

- (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 keep the dog on a lead, unless –
 - (a) he has a reasonable excuse for failing to do so; or

- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article 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. THE DOGS EXCLUSION

This Order applies to the land specified in Schedule 4.

- (1) 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 to which this Order applies unless –
- (a) he has reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who –
- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purpose of this article –
- (a) 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; and
 - (b) each of the following is a “ Prescribed Charity” –
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

5. THE DOGS (SPECIFIED MAXIMUM)

This Order applies to the land specified in Schedule 5.

On land to which this Order applies, the maximum number of dogs which a person may take onto that land is 6.

Offence

- (1) A person in charge of more than one dog shall be guilty of an offence if at any time, he takes onto any land in respect of which this Order applies, more than the maximum number of dogs specified in article 3 of this Order, unless –
 - (a) he has reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) For the purposes of this article 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.

Penalty

If any breach of an offence under this PSPO occurs a Fixed Penalty Notice of £50.00 can be issued and failure to pay may lead to prosecution. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The Order will have effect for three years (less one day) from the date it is made.

The Common Seal of the
Adur District Council
Was affixed in the presence of:

Susan Sale

Susan Sale
Solicitor to the Councils



Authorised Signatory

SCHEDULE 1

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
 - (i) open to the air (which includes land that is covered but open to the air on at least one side)and
 - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967

SCHEDULE 2

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
 - (i) open to the air (which includes land that is covered but open to the air on at least one side)and
 - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

SCHEDULE 3

1. Subject to the exception in paragraph 2 below, this Order applies to all public roads, pavements and grass verges, which are within 4 metres of the carriageway and are maintainable at public expense and which are subject to a speed limit of 40mph or less; Widewater Lagoon, cemeteries including closed cemeteries maintained by the Council, allotments and car parks within the administrative area of the Council.
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967, access land, Downslink, bridleways and byways.

SCHEDULE 4

1. All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) children's play area, bowling green, croquet lawn, tennis court, skate park, cycle enclosure or putting green signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect).

SCHEDULE 5

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
 - (i) open to the air (which includes land that is covered but open to the air on at least one side)and
 - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.