

Anti-Social Behaviour, Crime and Policing Act 2014 - Public Spaces Protection Order (no. 3 of 2018)

Dog control

This Order is made by Tunbridge Wells Borough Council (“the Council”) and may be cited as the **Public Spaces Protection Order – Dog Control (No. 3 of 2018)** (“the Order”)

1. This Order shall come into force on **25th September 2018** and shall have effect for a period of 3 years thereafter, unless extended by further order under the Council’s statutory powers
2. This Order is made by the Council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) having carried out the necessary consultation and being satisfied on reasonable grounds that:
 - a. The activities identified below have been carried on in a public place within the restricted area and have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will take place and that they will have a detrimental effect; and
 - b. The effect, or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the Order
3. The Council has had regard to the rights and freedoms under Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) as set out in the European Convention on Human Rights and is satisfied that the restrictions imposed by this Order are lawful, necessary and proportionate

Dog Fouling – Tunbridge Wells borough

4. This part of the Order relates to any public place in the Tunbridge Wells Borough shown edged red on the plan attached at Schedule 1 of this Order (“the restricted area”)
5. If a dog defecates in the restricted area a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:

- a. They have 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 the failure to do so
6. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land
 7. 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

Dog leads – sports grounds

8. This part of the Order relates to any public place in the areas shown edged red on the plans attached at Schedule 2 of this Order (“the restricted area”)
9. A person in charge of a dog in the restricted area must keep the dog on a lead at all times unless:
 - a. They have 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 the failure to do so

Dog exclusion – fenced play areas

10. This part of the Order relates to the fenced play areas shown edged red on the plans attached at Schedule 3 of this Order (“the restricted area”)
11. A person in charge of a dog must not take or allow the dog in the restricted area at any time unless:
 - a. They have 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 the failure to do so

Exemptions

12. This Order does not apply to a person in control of a working assistance dog which has been trained to assist that person who has a disability

Offence of failing to comply with the Order

13. It is an offence for a person without reasonable excuse to:

- a. Do anything that the person is prohibited from doing by the Order; or
- b. Fail to comply with a requirement to which the person is subject under the Order

14. Any person who commits an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale

Fixed penalty notices

15. An authorised officer may issue a fixed penalty notice of up to £100 to anyone who he or she has reason to believe has committed an offence under the Act

16. If the fixed penalty notice is not paid the person to whom it is issued remains liable upon conviction to a fine

Right of appeal

17. If any interested person wishes to question the validity of this Order they may do so by applying to the High Court on the grounds that the Council did not have power to make the Order or to include particular prohibitions or requirements imposed by the Order; or that a requirement under Chapter 2 of the Act was not complied with

18. An application to the High Court must be made within the period of 6 weeks beginning with the date on which the Order is made

Definitions

“authorised officer” means a Police Constable, a designated Police Community Support Officer or an officer with delegated authority from the Council to enforce the Order

“in charge of a dog” means a person who habitually has a dog in their possession unless at that time some other person is in charge of the dog

“interested person” means an individual who lives in the restricted area or who regularly works in or visits that area

“public place” means any place 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

GIVEN under the Common Seal of Tunbridge Wells Borough Council on the 25th day of September 2018

THE COMMON SEAL of Tunbridge Wells Borough Council



Was hereunto affixed in the presence of:-


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Authorised Signatory
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Public Spaces Protection Order – Town Centre (no. 3 of 2018)

Schedule 1 – Dog fouling

Restricted area:

- (1) Tunbridge Wells Borough

Schedule 2 – dog leads

Restricted areas:

- (1) The Nevill Ground, Nevill Gate, Warwick Park, Tunbridge Wells
- (2) St Marks Ground, Frant Road, Tunbridge Wells

Schedule 3 – dog exclusion

Restricted areas:

Play Area	Ward
1. Calverley Grounds Play Area	Park
2. The Grove Play Area	Park
3. Hawkenbury Recreation Ground Play Area	Park
4. Grosvenor and Hilbert Recreation Play Area	St James
5. The Hunters Play Area	Showfields
6. Julian Hewitt Recreation Ground Play Area	Pantiles and St Marks
7. Mary Caley Recreation Ground Play Area	Rusthall
8. St. Mark's School Play Area	Broadwater
9. St Johns Recreation Ground Play Area	St Johns
10. Showfields Infant Play Area	Broadwater
11. Southwood Road Recreation Ground Play Area	Rusthall
12. Allandale Recreation Ground Play Area	Sherwood
13. Sherwood Road Play Area	Sherwood
14. Woodlands Play Area	Sherwood
15. Oak Road Play Area	Sherwood