



TORRIDGE DISTRICT COUNCIL

CONTROL OF DOGS

PUBLIC SPACES PROTECTION ORDER 2022

This Order is made by Torridge District Council ("The Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Chapter 2 Sections 59-75 inclusive ("The Act").

1. This Order relates to:

a) All land which is in the administrative area of the Council and defined by the line edged in red on the plans attached to this Order and which are 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),

And

b) The restricted areas described in **Schedules 1, 2 & 3** overleaf 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:

c) Except land that is placed at the disposal of the Forestry Commissioners 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) The 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 restricted areas and that they will have such an effect. The said activities being:

- Dog(s) fouling
- Dog(s) off lead causing nuisance or harassment, alarm or distress.
- Dog(s) in vulnerable areas such as children's play areas and on a busy Blue Flag beach

b) That 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 activities unreasonable, and therefore justifies the restrictions imposed by the Order.

3. The effect of this Order is to impose the following prohibitions and/or requirements at the times described in **The Schedules** and any person who, whilst in any of the restricted areas does not comply with the following prohibitions and/or requirements commits an offence:

4. **Dog(s) fouling**

If within the administrative area of The Council, as shown in **Schedule 1** 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 any dog at the time fails to remove the faeces from the land forthwith, then that person shall be guilty of an offence unless:

- a) A person has reasonable excuse for failing to do so; or
- b) The owner, occupier or any other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

5. 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 administration area of The Council, as shown in **Schedule 1**, they do not comply with a direction given to them by an authorised officer of The Council or Police to put and keep a dog on a lead 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 them failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause harassment, alarm or distress to any other person, or to another animal, livestock or wildlife.

6. Dog(s) on leads

This Order applies to the restricted areas, at the times specified in, **Schedule 2**, and any person in charge of a dog shall be guilty of an offence if they do not keep their dog on a lead 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 restricted areas has consented (generally or specifically) to them failing to do so.

7. Dog(s) in exclusion areas – Children’s play areas

This order applies to all enclosed children’s play areas within the administration area of the Council. Any person in charge of a dog shall be guilty of an offence if, at any time, they take a dog onto, or permits the dog to enter or to remain in any enclosed children’s play area 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 restricted areas has consented (generally or specifically) to them failing to do so.

An enclosed children’s play area is an outdoor area set aside for children to play in, open to the public without payment, and contains play equipment such as swings, slides, climbing frames and similar apparatus that is enclosed on all sides by fences, gates, walls or other structures that mark the boundary of the play area.

8. Dog(s) in exclusion areas – Westward Ho!

This Order applies to the restricted areas, at the times specified in, **Schedule 3**, and any person in charge of a dog shall be guilty of an offence if, at any time within the dates specified, they take a dog onto, or permits the dog to enter or to remain on, any land unless:

- a) They have 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 them failing to do so.

9. Exemptions

Nothing in this order shall apply to:

- a) 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; or
- b) A person who is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or
- c) A person with a disability which affects their mobility, manual dexterity, physical co-ordination 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 a dog(s) and unable to remove the faeces. A “prescribed charity” is one recognised as a member of Assistance Dogs UK <https://www.assistedogs.org.uk/members/>

10. For the purpose of this order:

- a) A person who habitually has a dog in their 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) Taking the faeces away from the land for correct disposal elsewhere or placing the faeces in a receptacle on the land which is provided for the purpose, shall be 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 or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- d) A person who is in charge of a dog for the time being employed for purposes in relation to agriculture, hunting, pest control, the Police or rescue services shall not be guilty of an offence.

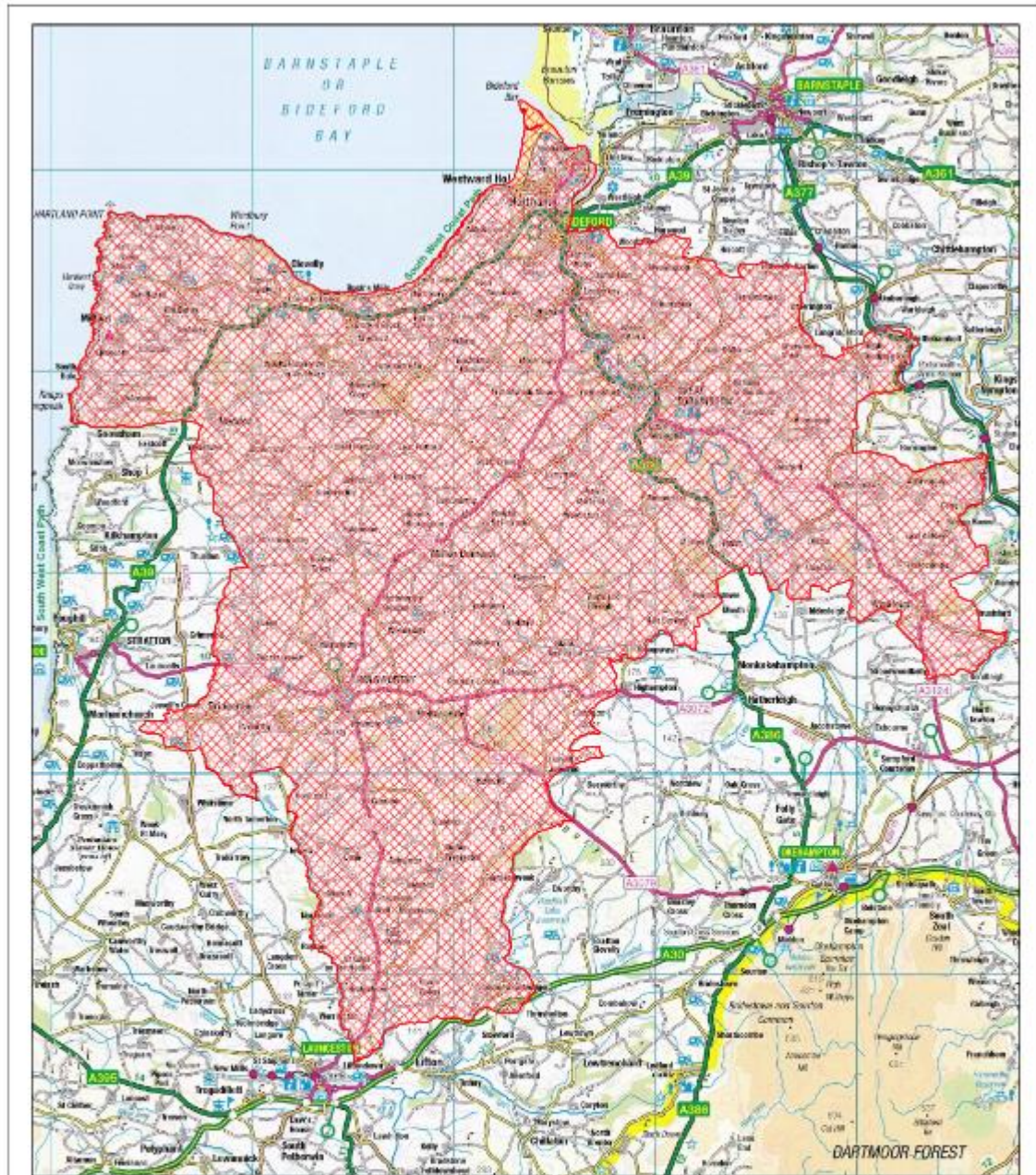
This Order comes into force on xxx 2022 and remains in effect for a period of 3 years from that date, unless extended by further Orders under the Council’s statutory powers.

A person guilty of an offence under this order is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £100, contrary to Section 67 of the Act.

Schedule 1

Dog fouling and dogs on lead by direction

This Order applies to all open land within the administration area to which the public have access:



Location	District of Torrington
Dates Applicable	All Year



© Crown copyright and database rights 2022 Ordnance Survey 100022736 EUL. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Date Produced : 03/02/2022

Scale 1:280000



Schedule 2

The keeping of dogs on a lead

This Order applies to all land described below and as illustrated in bold edging on the attached maps:

Map no.	Location	Dates when the Order will apply	Ward/Parish
1	Victoria Park, Bideford, Devon	All year	Bideford North
2	Westward Ho! Promenade, Devon	1 st May to 30 th September annually	Westward Ho!
3	Westward Ho! Park (adjacent to Park View Terrace)	All year	Westward Ho!

Map 1

Land at Victoria Park, Bideford – Keeping of dogs on a lead



Map 2

Land at Westward Ho! Promenade - Keeping of dogs on a lead



Map 3

Westward Ho! Park – Keeping of dogs on a lead



Location	Park View Terrace Park
Dates Applicable	All Year



© Crown copyright and database rights 2022 Ordnance Survey 100022736 EUL. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Date Produced : 04/02/2022

Scale 1:750



Schedule 3

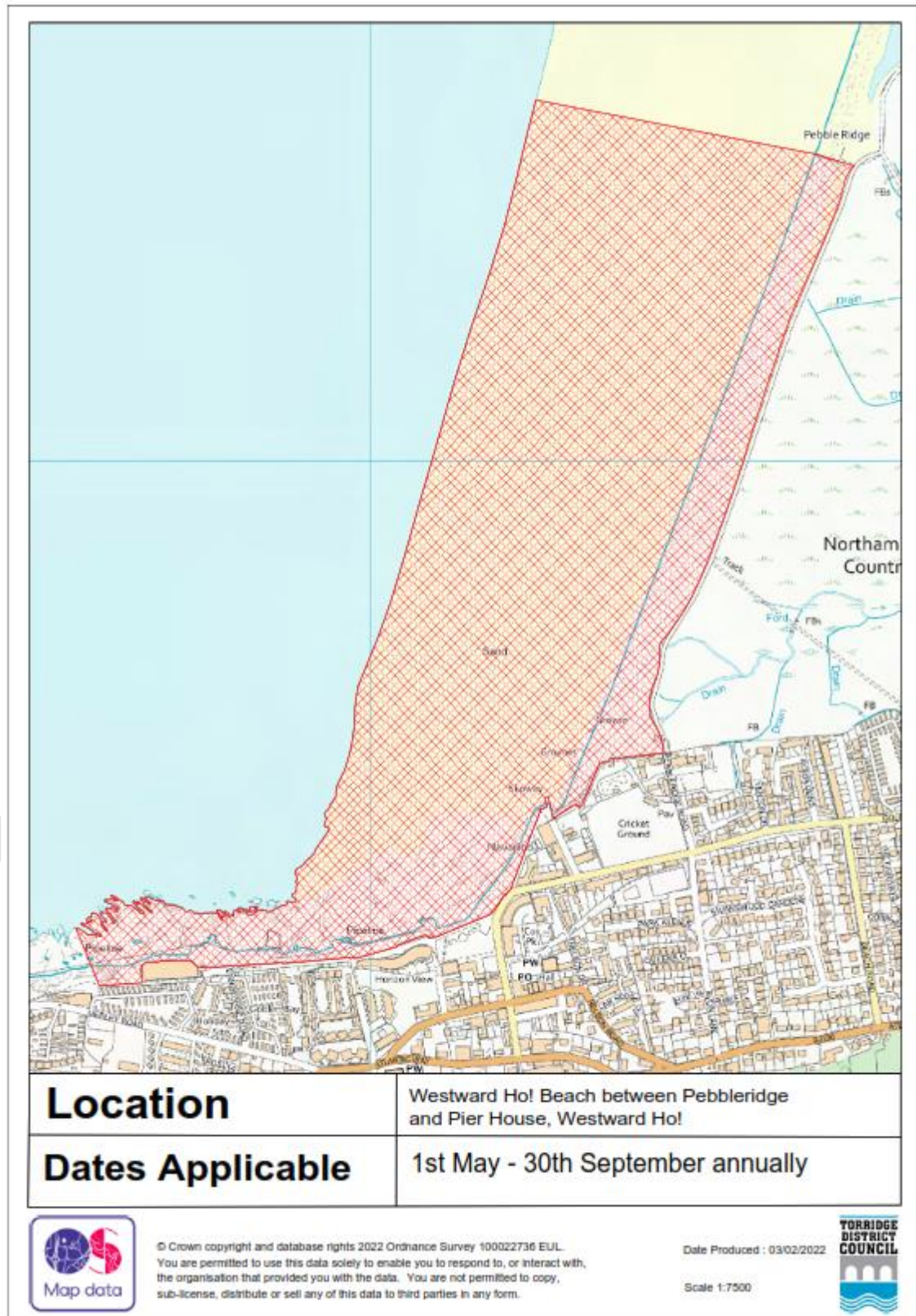
Dog exclusion areas

This Order applies to all land described below and as illustrated in bold edging on the attached maps:

Map no.	Location	Dates when the Order will apply	Ward/Parish
4	Designated area of Westward Ho! beach	1 st May to 30 th September annually	Westward Ho!
5	Westward Ho! Park enclosed tennis/ sports area (adjacent to Park View Terrace)	All year	Westward Ho!

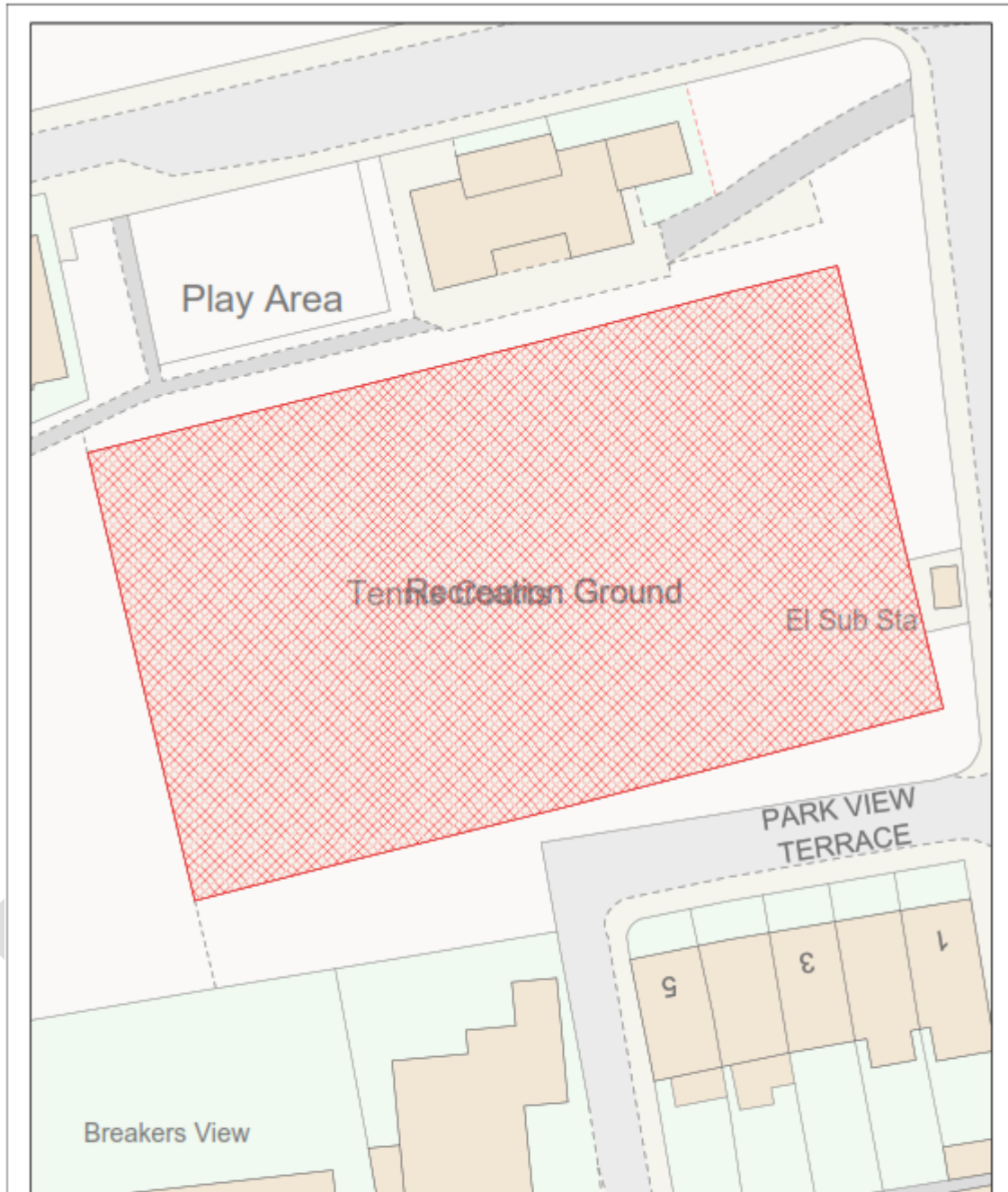
Map 4

Dog Exclusion – Westward Ho! beach



Map 5

Dog Exclusion – Westward Ho! Park



Location	Park View Terrace tennis court
Dates Applicable	All Year



© Crown copyright and database rights 2022 Ordnance Survey 100022736 EUL.
You are permitted to use this data solely to enable you to respond to, or interact with,
the organisation that provided you with the data. You are not permitted to copy,
sub-license, distribute or sell any of this data to third parties in any form.

Date Produced : 04/02/2022

Scale 1:390



APPEALS

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within 6 weeks from the date upon which this order is made. For the purposes of the Act an interested person is someone who lives in, regularly works in, or visits the restricted area.

THE COMMON SEAL of TORRIDGE DISTRICT COUNCIL

Was here unto affixed in the presence of

Authorised Signatory

Dated.....

