

CHICHESTER DISTRICT COUNCIL

ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER - CONTROL OF DOGS 2017

This PSPO shall come into effect on xxxxxxxx 2017.

Chichester District Council (the Council) in exercising of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in Section 59 of the Act have been met, makes the following order.

Part A – THE FOULING OF LAND BY DOGS

The Order applies to the land specified and shown on the plans in Schedule 1 of this Order (the “Restricted Areas”).

- (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 –
 - i. He has a 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.

- (2) Nothing in this article applies to a person who –
 - i. is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - ii. 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 –
 - i. 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;
 - ii. 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;

- iii. 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;
- iv. each of the following is a “prescribed charity” –
 - a. Dogs for the Disabled (registered charity number 700454)
 - b. Support Dogs (registered charity number 1088281)
 - c. Canine Partners for Independence (registered charity number 803680)

PART B - DOGS ON LEAD BY DIRECTION

The Order applies to the land specified and shown on the plans in Schedule 2 of this Order (the “Restricted Areas”).

In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority 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 Authority to put and keep the dog on a lead of not more than 8 metres in length, 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 Authority 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.

PART C - THE EXCLUSION OF DOGS

The Order applies to the land specified and shown on the plans in Schedule 3 of this Order (the “Restricted Areas”).

- (1) A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 3 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 a 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 a disability which affects his mobility, manual dexterity, physical co-ordination 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; and
 - b) Each of the following is a “prescribed charity” –
 - 1. Dogs for the Disabled (registered charity number 700454)
 - 2. Support Dogs (registered charity number 1088281)
 - 3. Canine Partners for Independence (registered charity number 803680)

PENALTY

A person guilty of an offence under this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

Date:

Signed:

**Louise Rudziak
Head of Housing and Environment Services**

PSPO – CONTROL OF DOGS

SCHEDULE 1 – FOULING OF LAND BY DOGS

This Public Space Protection Order applies to all land which is open to the air and to which the public are entitled or permitted to have access within the administrative area of the Council, falling within the following descriptions:

1. All adopted roads, highways and carriageways having a designated speed limit of 40mph or less together with any adjoining footpaths or verges constituting highway land.
2. The entire width (including adjoining verges) of any footway, footpath or pedestrianised area to which the public have access.
3. All public parks, pleasure grounds, sports grounds, recreation grounds, playing fields, village greens, cemeteries, closed churchyards and other public open space owned or maintained by the Council and which are not otherwise subject to an order of the Council banning dogs from the use of such land.
4. All beaches foreshores and promenades which are not otherwise the subject of this Public Space Protection Order banning dogs.
5. All public parks, pleasure grounds, sports grounds, recreation grounds, playing fields, village greens, cemeteries, churchyards or other open public spaces owned or maintained by any City, Parish or Town Council within the administrative area of Chichester District Council and which are not otherwise subject to a byelaw of the City, Parish or Town council excluding dogs from the use of such land.
6. All nature reserves established under section 21 of the National Parks and Access to the Countryside Act 1949 and public open space owned or maintained by West Sussex County Council (in this order known as “County”) and which is not otherwise subject to an Order of County excluding dogs from the use of such land.
7. The following specified areas shown edged by black lines on the plans attached to this order being.

Fishbourne Playing Field - Plan No. 2

Fernhurst Recreation Ground - Plan No.3

Camelsdale Recreation Ground (Fernhurst) - Plan No. 4

Quay Meadow (Bosham) - Plan No. 5

Brandy Hole Copse (Chichester) - Plan No. 6

The sports area at the Cowdray Ruins (Midhurst) - Plan No. 7

West Wittering Estate - Plan No. 8

East Head (West Wittering) - Plan No. 9

Cakeham Estate - Plan No. 10

North Mundham Playing Field - Plan No. 11

Petworth Park Sports Ground - Plan No. 12

8. The communal footpaths and communal grassed areas within the ownership or control of Hyde Housing or any successor in title to it.

Provided that this Order shall not apply to land of the following descriptions namely:-

- Land used for agriculture or for woodlands
- Land which is predominantly marshland, moor or heath
- Common land to which the public are entitled or permitted to have access otherwise than by virtue of s193(1) of the Law of Property Act 1925.

(Note: Land placed at the disposal of the Forestry Commissioners is excluded from the Public Space Protection Orders by statute (The Controls on Dogs (Non-application to Designated Land Order) 2006).

PSPO – CONTROL OF DOGS

SCHEDULE 2 – DOGS ON LEAD BY DIRECTION

This order applies to land which is open to the air and to which the public are entitled or permitted to have access within the following description:

The entire width of the available public footpaths at Fishbourne Harbour, the extent of the harbour being shown edged in black on the plan reference, “CDC PSPO – Control of Dogs 2017 – Dogs on Lead by Direction, Fishbourne Channel, Plan No 1”.

PSPO – CONTROL OF DOGS

SCHEDULE 3 – EXCLUSION OF DOGS

This order applies to land which is open to the air and to which the public are entitled or permitted to have access within the following descriptions:

1. All children's play areas which are (1) enclosed by means of a fence and/or gate and (2) owned or maintained by Chichester District Council or by any city, parish or town council within the administrative area of Chichester District.
2. Bishop's Palace Gardens (Chichester)
3. Priory Park (Chichester)
4. The foreshore and beach, East Wittering – from groyne A49 to S1
5. The foreshore and beach, Selsey – from groyne E26 to E33
6. The foreshore and beach, Bracklesham – from groyne A22 to A29.

For the areas detailed in paragraphs 1, 2 and 3 of Schedule 3 above, the exclusion of dogs shall apply at all times

For the areas detailed in paragraphs 4, 5 and 6 of Schedule 3 above, the exclusion of dogs shall apply between 1 May and 30 September of each year.