

## Additional Information

HAVANT BOROUGH COUNCIL  
CRIME AND DISORDER PANEL  
2 March 2017

I am now able to enclose, for consideration by the Crime and Disorder Panel on 2 March 2017 , the following additional information that was unavailable when the agenda was printed.

| <b>Agenda No</b> | <b>Item</b> |  |
|------------------|-------------|--|
|------------------|-------------|--|

|          |   |               |
|----------|---|---------------|
| <b>3</b> | <b>Anti-Social Behaviour Crime and Policy Act 2014</b>                | <b>1 - 18</b> |
|          | To receive an update from the Neighbourhoods Development Team Leader. |               |

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**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**HAVANT BOROUGH COUNCIL**

**PUBLIC SPACES PROTECTION ORDER (DOGS)**

Havant Borough Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Havant Borough Council Dog Control Public Spaces Protection Order and shall come into force on 1<sup>st</sup> May 2017. Unless the Council extends or varies this order before it has expired, it shall expire on 30<sup>th</sup> April 2020.
2. This Order covers the following dog controls:
  - A. Exclusion of dogs from land
  - B. Fouling of land by dogs and the removal of dog faeces
  - C. Dogs on leads
  - D. Dogs on leads by direction

and creates the offences outlined below.

3. This Order applies to the land described in the Schedules to this Order below, being public places in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "restricted area".
4. In this Order, "an authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes the Order on the basis it is satisfied that, without these controls, the activities likely to be carried on in the restricted areas will have a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.

**Penalty**

6. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable, Police Community Support Officer or authorised person may issue a fixed penalty notice of £80 to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

## **The Offences.**

### ***Exclusion of dogs from land***

1. 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 inclusive in any year and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any restricted area detailed in Schedule A below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
2. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any restricted area detailed in Schedule B below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
3. This shall not apply 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/she relies for assistance; or
  - c. 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. The term "prescribed charity" includes but is not limited to;
    - i. Dogs for the Disabled (registered charity number 700454); and
    - ii. Support Dogs Limited (registered charity number 1088281); and
    - iii. Canine Partners for Independence (registered charity number (803680).

### ***Fouling of land by dogs and the removal of dog faeces***

1. If within the administrative area of the Authority, as shown in Schedule C below, 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 the dog at the time, without reasonable excuse, fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
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.
3. This shall not apply 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/she relies for assistance; or
  - c. 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. The term “prescribed charity” includes but is not limited to;

- (i) Dogs for the Disabled (registered charity number 700454); and
- (ii) Support Dogs Limited (registered charity number 1088281); and
- (iii) Canine Partners for Independence (registered charity number (803680).

### ***Dogs on leads***

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule D below, he/she does not keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply 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/she relies for assistance; or
  - c. 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. The term “prescribed charity” includes but is not limited to;
    - (i) Dogs for the Disabled (registered charity number 700454); and
    - (ii) Support Dogs Limited (registered charity number 1088281); and
    - (iii) Canine Partners for Independence (registered charity number (803680).

### ***Dogs on leads by direction***

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule E, below he/she does not comply with a direction given to him by an authorised officer to put and keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply 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/she relies for assistance; or
  - c. 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. The term “prescribed charity” includes but is not limited to;
    - (i) Dogs for the Disabled (registered charity number 700454); and
    - (ii) Support Dogs Limited (registered charity number 1088281); and
    - (iii) Canine Partners for Independence (registered charity number (803680).

## **Appeals**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it coming in to force. An interested person is someone who lives in, regularly works in, or regularly visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the order, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Dated this                      day of                      2017

# Havant Dogs Public Space Protection Order – Schedules.

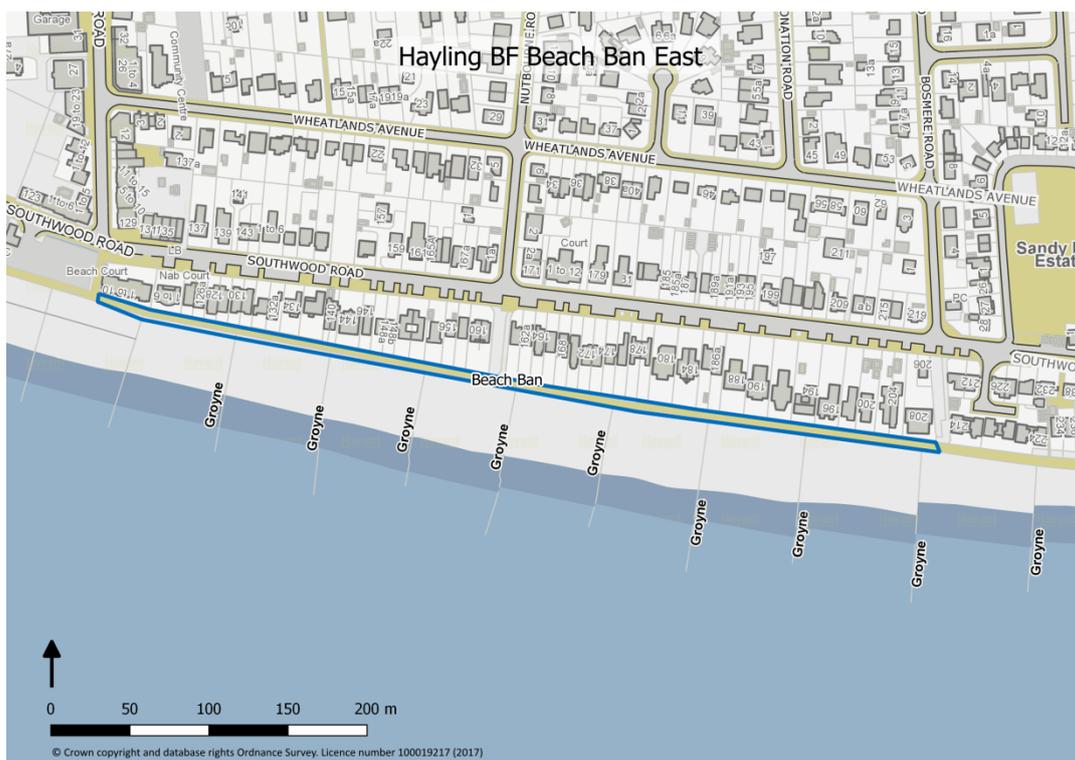
## Schedule A.

### Exclusion of dogs from land between 1<sup>st</sup> May and 30<sup>th</sup> September each year.

Area 1. That Part of Hayling Beach between the western boundary or the Beachlands Car Park at Central Beachlands (the Fair) and the eastern boundary of the Hayling Island Golf Club and south of the roadway running from central Beachlands to the south east corner of the Hayling Island Golf Club.

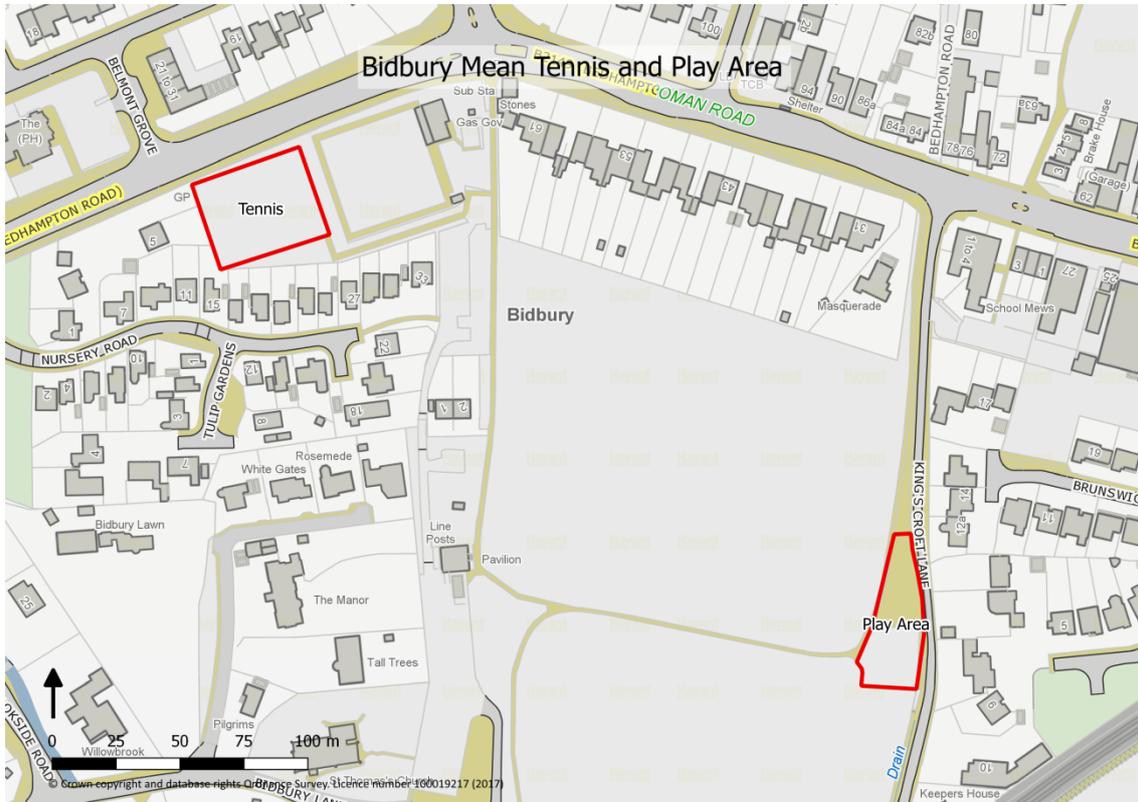


Area 2. The part of Hayling Beach between the eastern edge of the car park opposite Creek Road (Nab Car Park) and a line running from the eastern end of the promenade (opposite Bosmere Road) south to the mean low water mark of the sea.



## Schedule B - Exclusion of dogs from land

The gated and fenced Tennis courts at:  
Bidbury Mead, Bedhampton, PO9 3JG



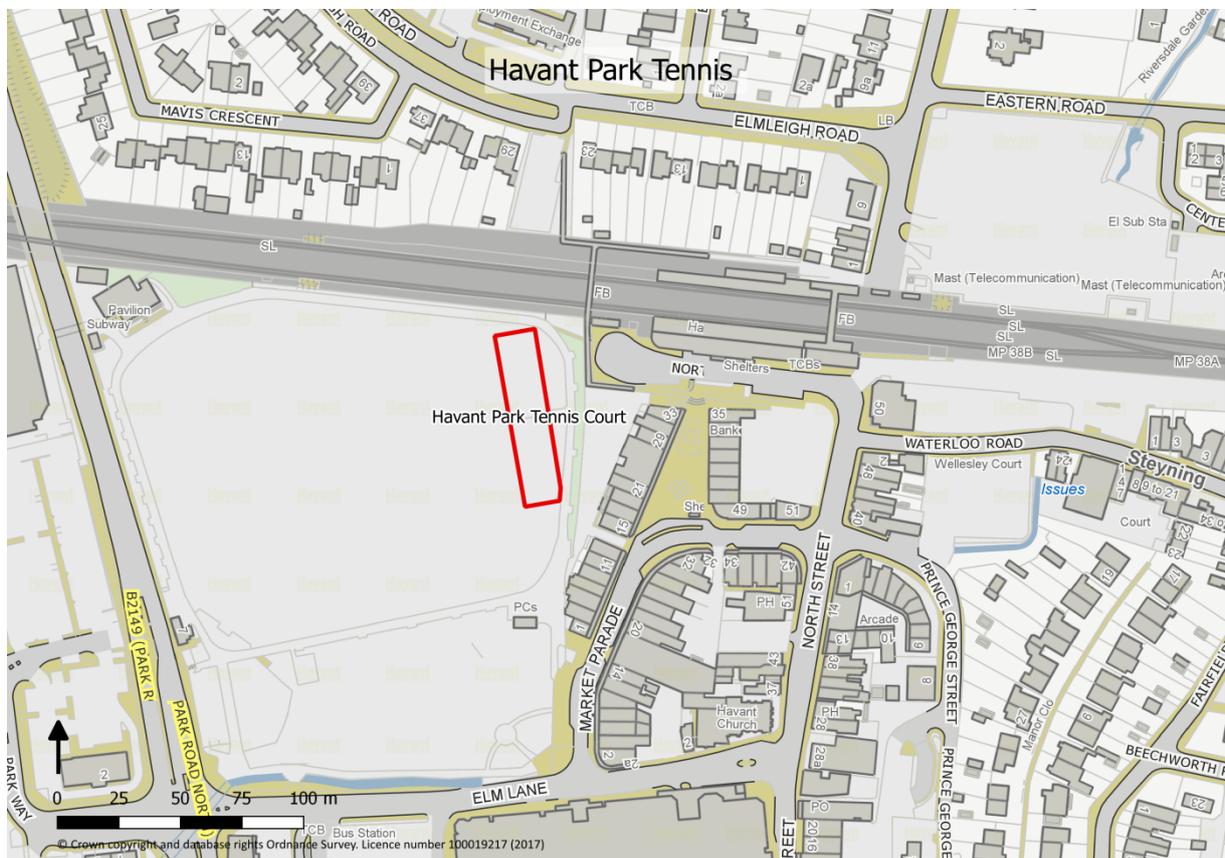
Cowplain Recreation ground, Padnell Road, Cowplain, PO8 8EH



Emsworth Recreation Ground, Horndean Road, Emsworth, PO10 7PT



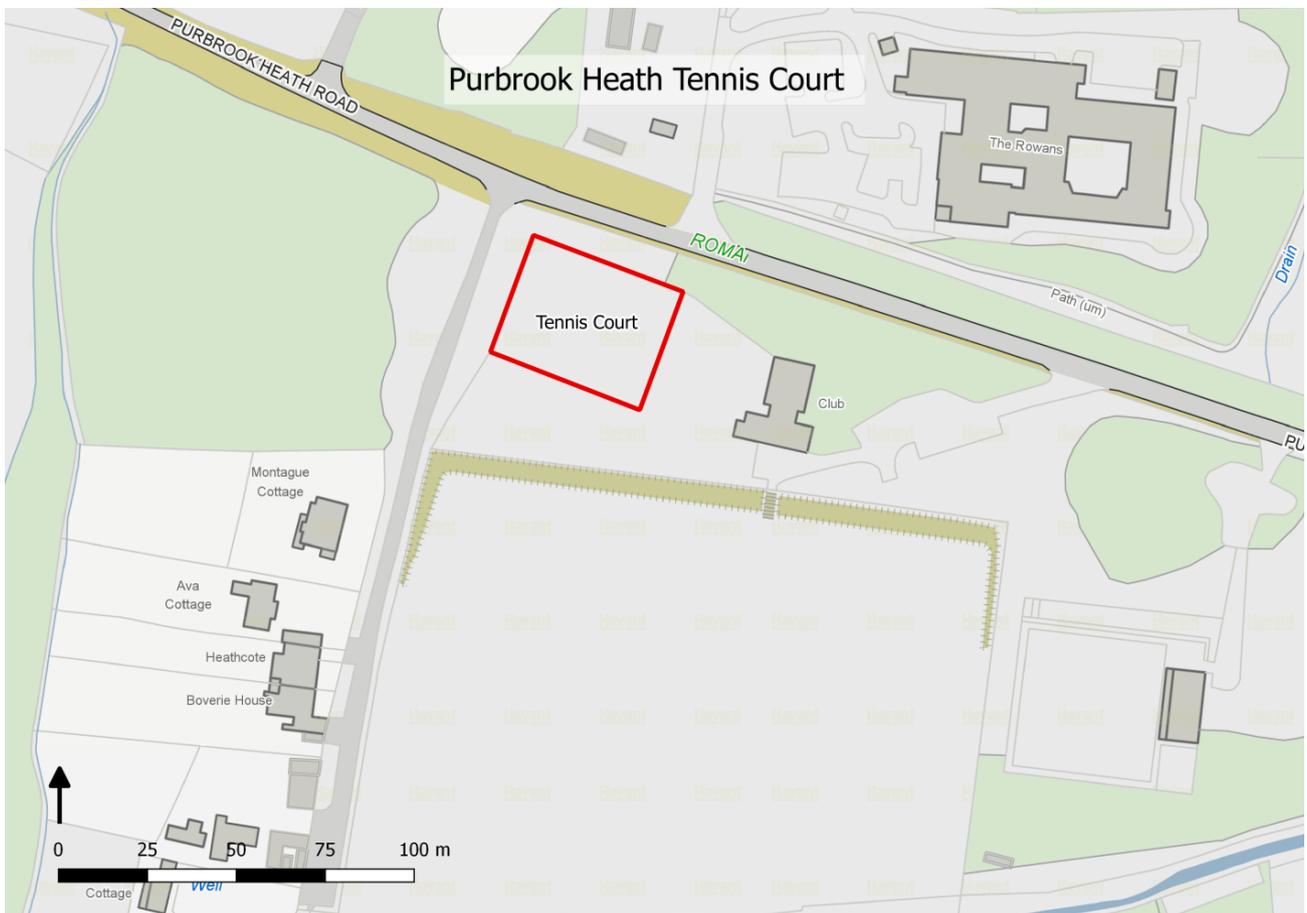
Havant Park, Elm Lane, Havant PO9 1QF



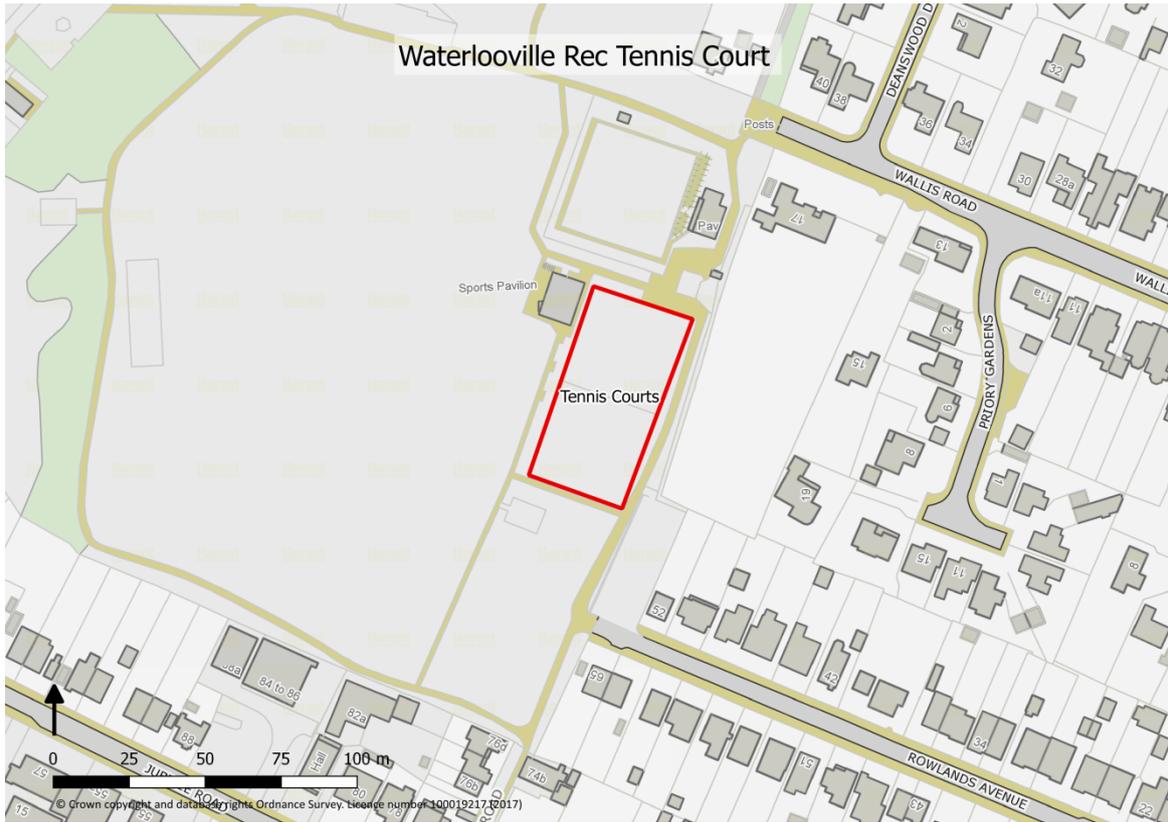
Hayling Park, Station Road, Hayling Island PO11 0HB



Purbrook Heath Recreation Ground, Purbrook Heath Road, Purbrook, Waterlooville PO7 5RU



Waterlooville Recreation Ground, Rowlands Avenue, Waterlooville PO7 6AN

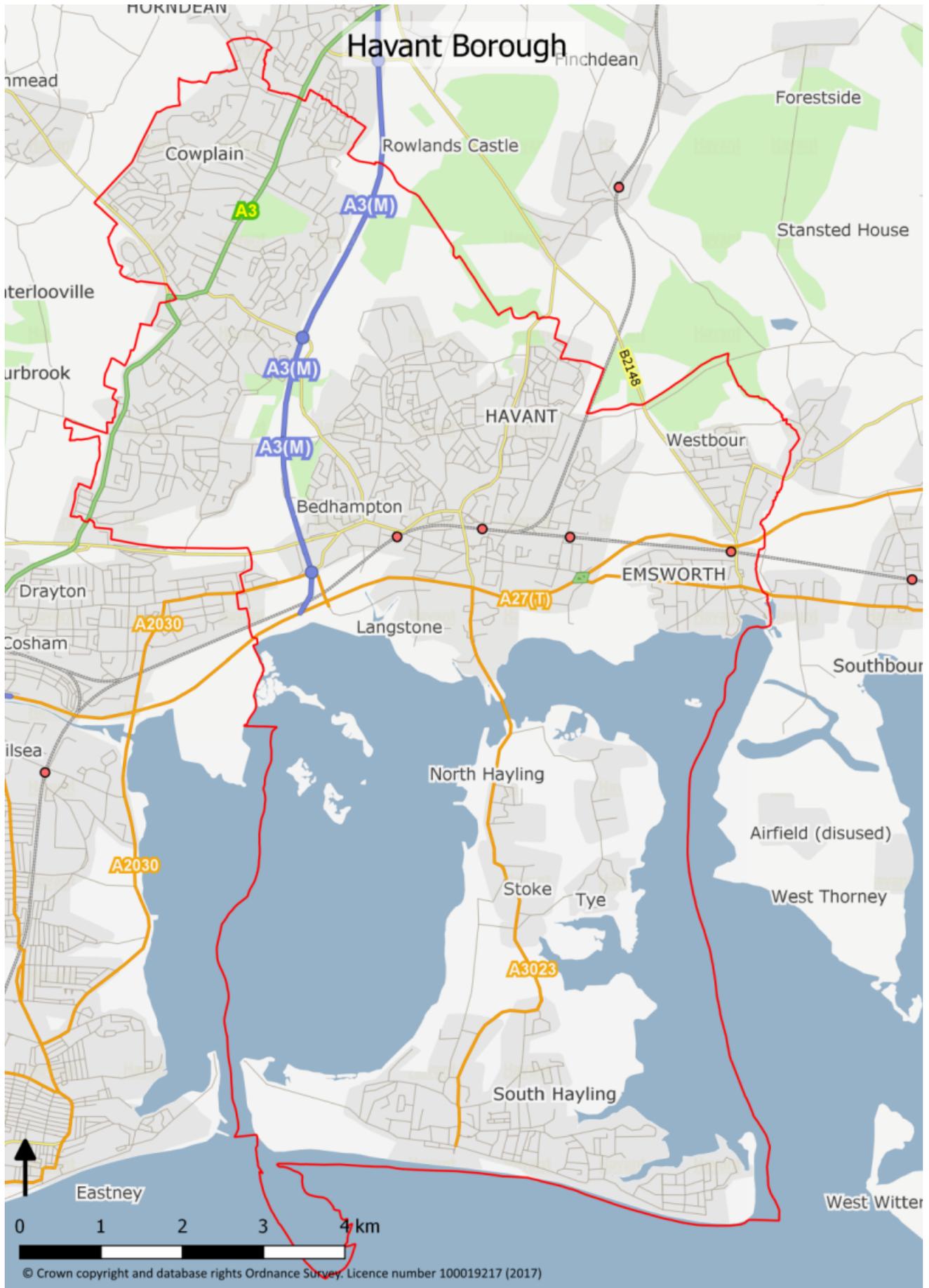


3. Tennis courts and All-weather football pitch at Front Lawn Recreation Ground

*Map to be confirmed*

**Schedule C**

Fouling of Land and the Removal of Dog Faeces.



## Schedule D

### Dogs on Leads.

Any dog to be secured on a lead of a maximum length of 2 metres at:

The Children's play areas at:

1. Bidbury Mead

See map in schedule B - Exclusion of dogs from land

2. Cowplain Recreation Ground

See map in schedule B - Exclusion of dogs from land

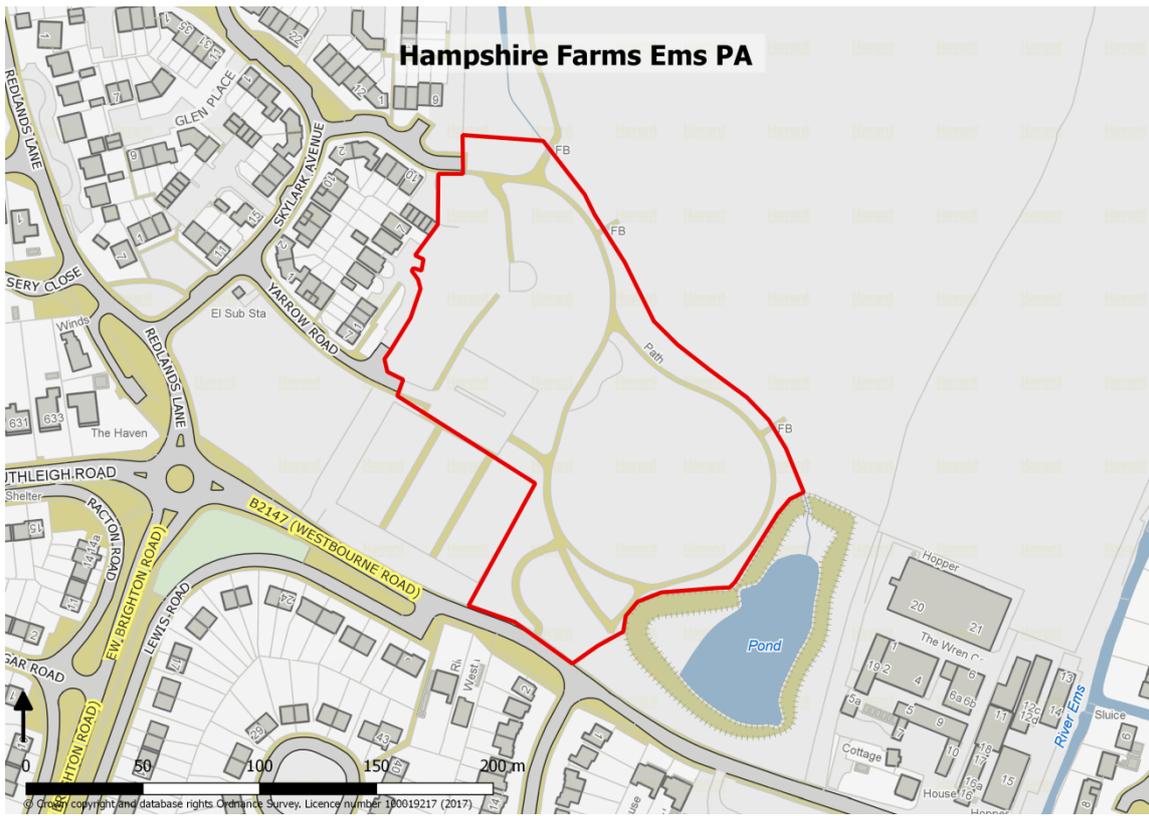
3. The Childrens play area at Front Lawn Recreation Ground

See map in schedule B - Exclusion of dogs from land

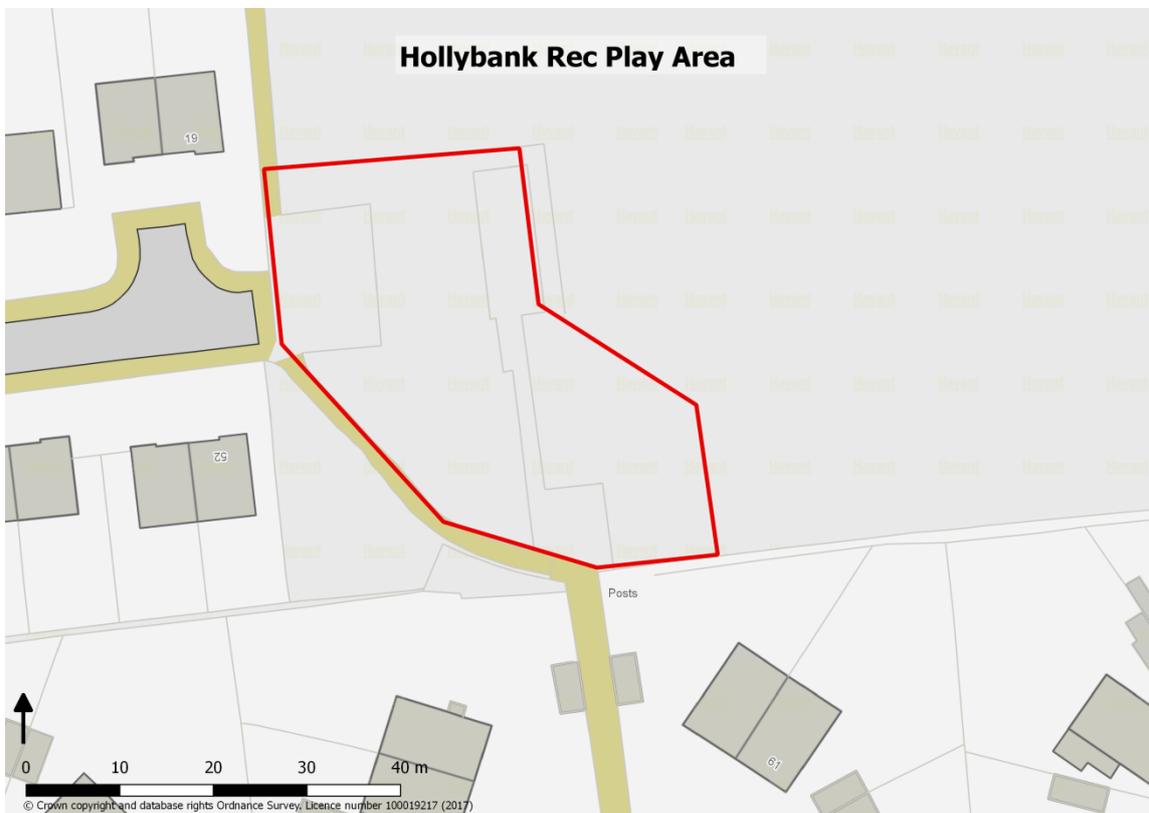
4. Gauntletts Park, Crookhorn



5. Hampshire Farm Play Area, Emsworth



6. Hollybank Recreation Ground

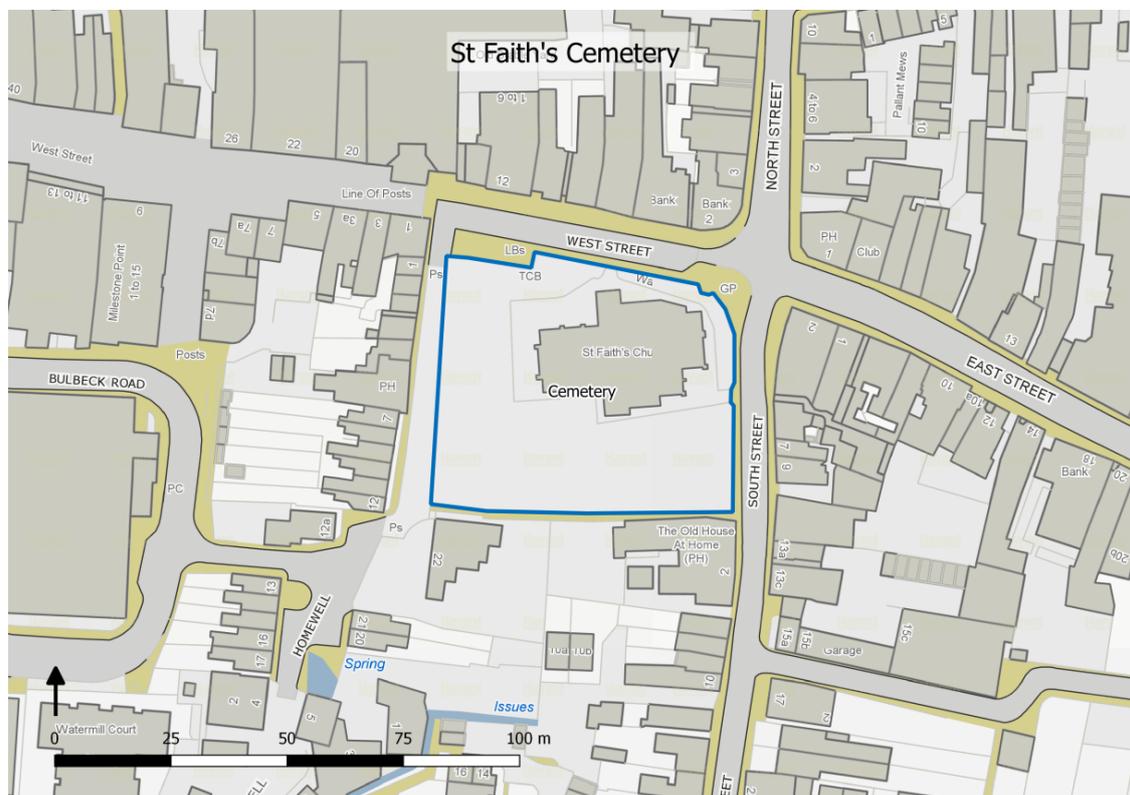


## Dogs on leads in cemeteries

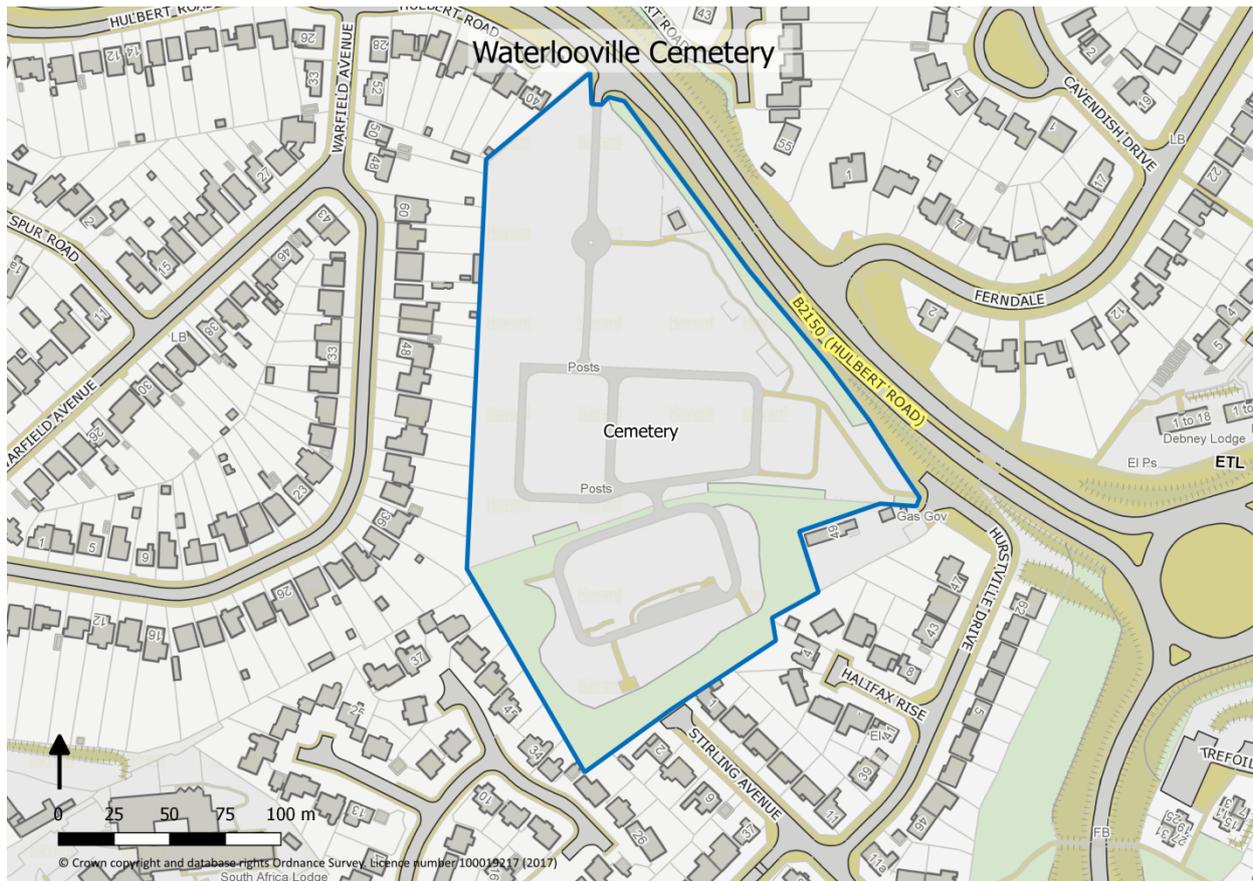
1. Havant Cemetery (HBC), St Faiths Cemetery and The Dissenters Cemetery at New Lane, Havant.



2. St Faiths Church, West Street, Havant



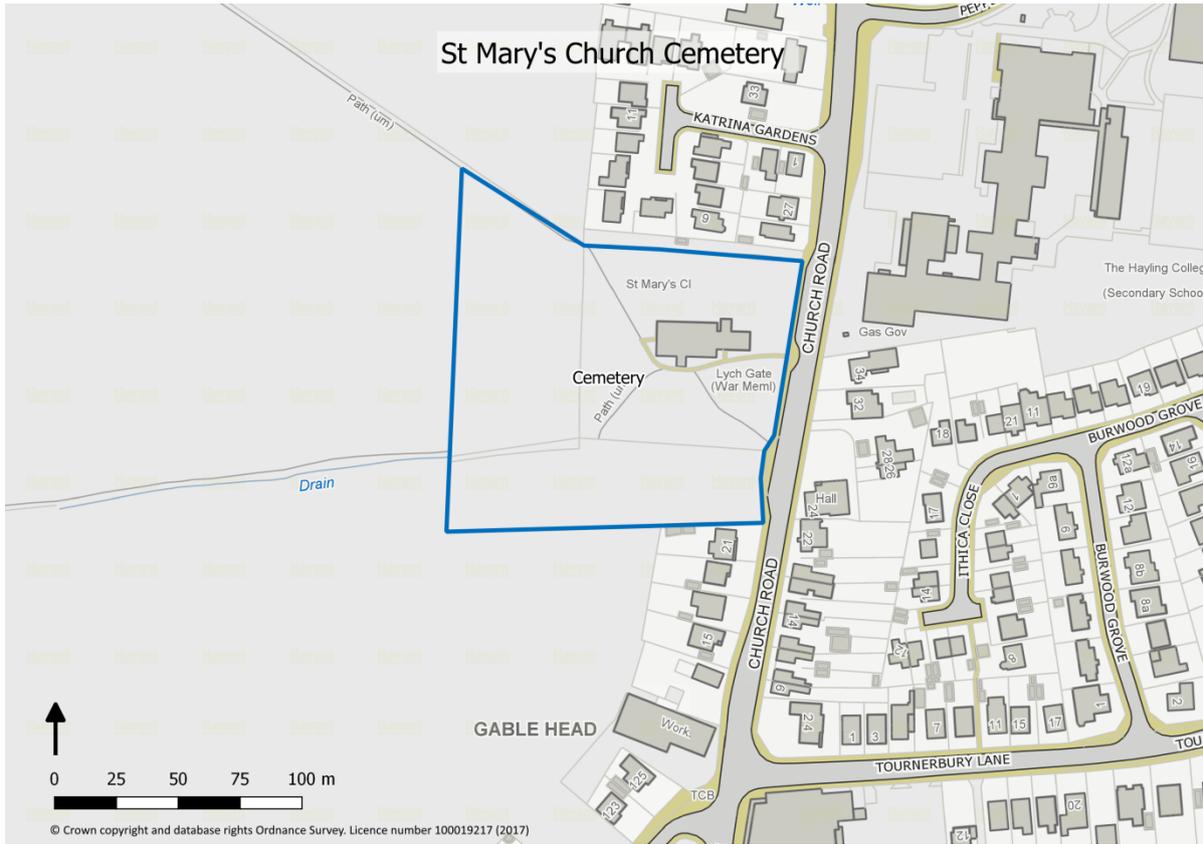
3. Waterlooville Cemetery, Hulbert Road, Waterlooville.



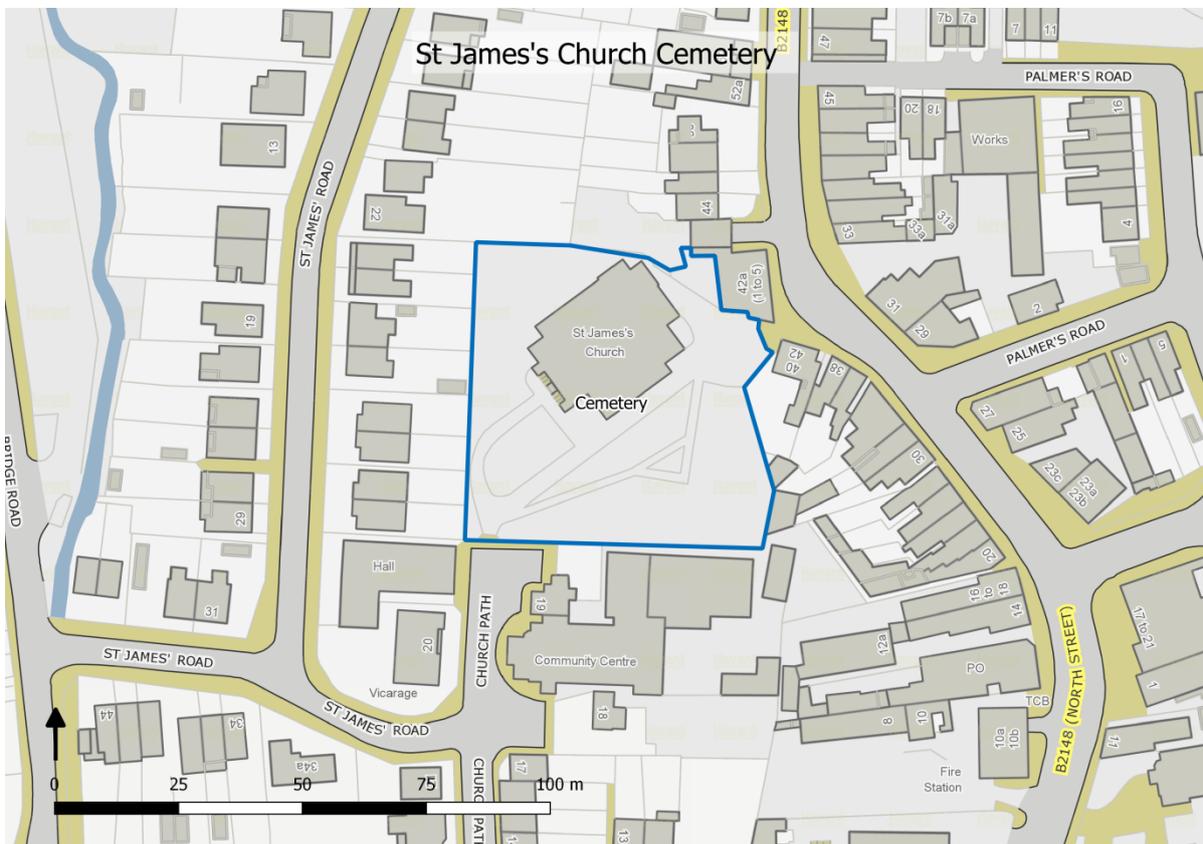
4. Warblington Cemetery, including St Thomas 'a' Beckett Church yard, Church Lane, Warblington.



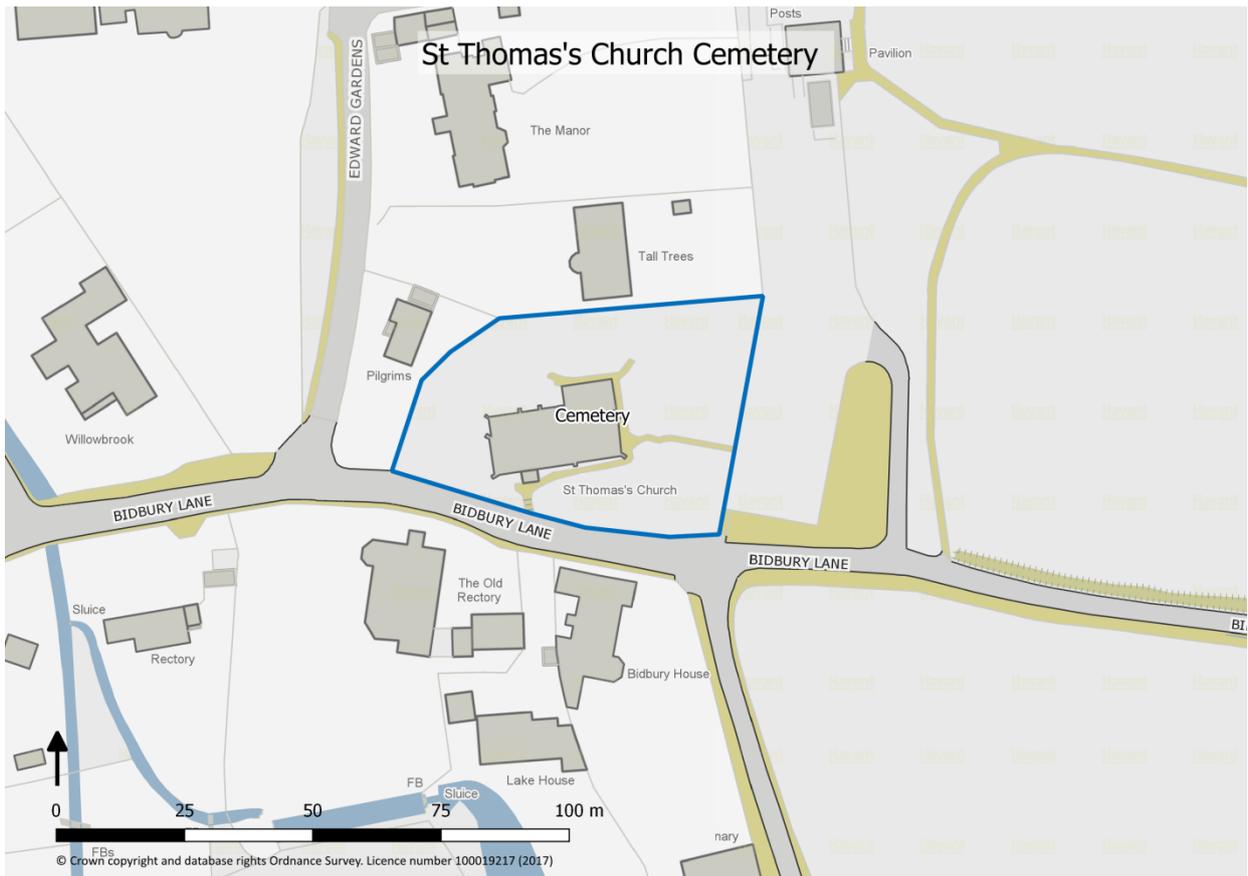
5. St Mary's Church, Church Road, Hayling Island



6. St James Church Yard St James' Road, Emsworth

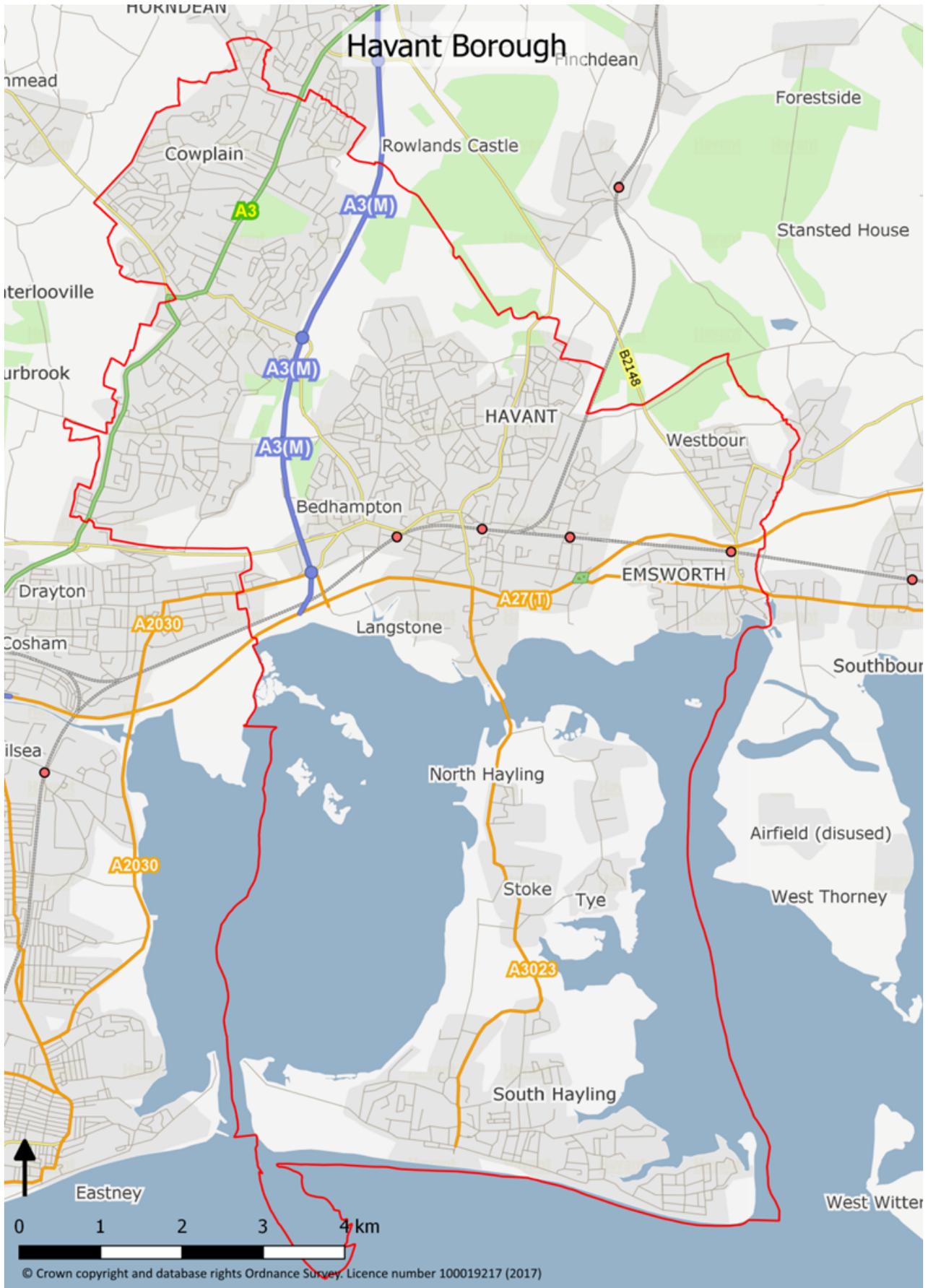


7. St Thomas Church Yard, Bidbury Lane, Bedhampton



Schedule E

Dogs on leads by Direction



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