

## **CHICHESTER DISTRICT COUNCIL**

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

### **PUBLIC SPACES PROTECTION ORDER - DOG CONTROL 2020**

This PSPO shall come into effect on 16 October 2020.

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 in Schedule 2 of this Order (the “Restricted Areas”).

In this Order “an authorised officer of the Authority” means an officer authorised by the Council or authorised by another Authority given powers to discharge the Environmental Enforcement Functions within the Council’s administrative area under Agency Agreement.

- (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 to 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: 13 October 2020**

**Signed:**



**Andrew Frost**  
**Director of Planning and Environment**

## PSPO DOG CONTROL

### 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 together with any adjoining footpaths, cycleways or verges constituting highway land.
2. The entire width (including adjoining verges) of any footway, footpath, bridleway, cycleway 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.
  - a. Fishbourne Meadows – Plan No. 1
  - b. Fishbourne Playing Field - Plan No. 2
  - c. Fernhurst Recreation Ground - Plan No.3
  - d. Maybush Copse, Cot Lane, Chidham – Plan No. 4
  - e. Quay Meadow (Bosham) - Plan No. 5
  - f. Brandy Hole Copse (Chichester) - Plan No. 6
  - g. The sports area at the Cowdray Ruins (Midhurst) - Plan No. 7
  - h. West Wittering Estate - Plan No. 8
  - i. East Head (West Wittering) - Plan No. 9
  - j. Cakeham Estate - Plan No. 10
  - k. North Mundham Playing Field - Plan No. 11
  - l. Petworth Park Sports Ground - Plan No. 12
  - m. Havenstoke Park, Graylingwell – Plan No. 13

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

(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 DOG CONTROL**

### **SCHEDULE 2 – DOGS ON LEAD BY DIRECTION**

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, with or without payment, within the administrative area of the Council, other than land which is placed at the disposal of the Forestry Commissioners under Section 29(1) of The Forestry Act 1967.

## **PSPO DOG CONTROL**

### **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) – Plan No. 14
3. Priory Park (Chichester) – Plan No. 15
4. The foreshore and beach, Selsey – from groyne E26 to E33 – Plan No. 16

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

For the area detailed in paragraph 4 of Schedule 3 above, the exclusion of dogs shall apply between 1 May to 30 September of each year.