

PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2023



Plymouth City Council

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order – Control of Dogs 2023

This Order is made by Plymouth City Council (“the Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014 section 59 (“the Act”) for the Control of Dogs in its area (“the Order”).

This Order comes into force on the 20th October 2023 for a period of 3 years.

General provision

1. “Public Place” means all land in the administrative area of the Council to which the public or a section of the public has access, on payment or otherwise, as a right by virtue of express or implied permission.
2. “Authorised Person” means a person authorised by the Council for the purposes of giving directions under this Order.
3. 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.

Penalty

4. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Obligations on persons with dogs

5. Fouling

- 5.1 If a dog defecates at any time in any Public Place a person who is in charge of the dog at that time must remove the faeces 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 Public Place has consented (generally or specifically) to his failing to do so.

- 5.2 Placing the faeces in a receptacle which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the Public Place.
- 5.3 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.

6. Dog on Leads by Direction

- 6.1 An Authorised Person may in any Public Place other than those specified in Schedules 1 and 2 of this Order (which dogs are excluded from or must be kept on a lead in any event) direct a person in charge of a dog to put and keep the dog on a lead if such restraint is in the opinion of the Authorised Person reasonably necessary to prevent a nuisance or if its behaviour is likely to cause alarm, distress or disturbance to any other person or animal or bird.
- 6.2 A person issued with a direction under 6.1 must comply 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 Public Place has consented (generally or specifically) to his failing to do so.

7. Exclusion of Dogs

- 7.1 A person in charge of a dog must not take it onto, or permit the dog to enter or to remain on any Public Place specified in Schedule 1 to the Order 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 Public Place has consented (generally or specifically) to his failing to do so.

8. Dogs on Leads

- 8.1 A person in charge of a dog in any Public Place specified in Schedule 2 to this Order must keep the 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 Public Place has consented (generally or specifically) to his failing to do so.

9. Means to Remove Dog Faeces

- 9.1 A person in charge of a dog in any Public Place must produce a device, or other suitable means, for removing dog faeces and transporting it to a bin (whether or not the dog has defecated) when asked to do so by an authorised officer 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 Public Place has consented (generally or specifically) to his failing to do so

10.1 Maximum number of dogs to be walked at any time

- 10.1 A person in charge of more than one dog in any Public Place must not walk more than 6 dogs at any one time unless –
- (a) they have reasonable excuse in failing to do so; or
 - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so

11. Exemptions

- 11.1 Nothing in paragraph 5 (Fouling) or paragraph 7 (Exclusion of Dogs) or paragraph 9 (Means to remove dog faeces) of this Order 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) has a disability which requires being in charge of an Assistance Dog registered with Assistance Dogs UK (registered charity number 1119538) and upon which he relies for assistance.
- 11.2 Nothing in paragraph 7 (Exclusion of Dogs) of this Order applies to a person who –
- (a) 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.

12. Challenging the validity of the Order (section 66 of the Act)

- 12.1 An interested person may apply to the High Court to question the validity of—
- (a) a public spaces protection order, or
 - (b) a variation of a public spaces protection order.

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

- 12.2 The grounds on which an application under this section may be made are—
- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- 12.3 An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

The Common Seal of
The Council of the City of Plymouth
was hereunto affixed in the presence of

Authorised Signatory

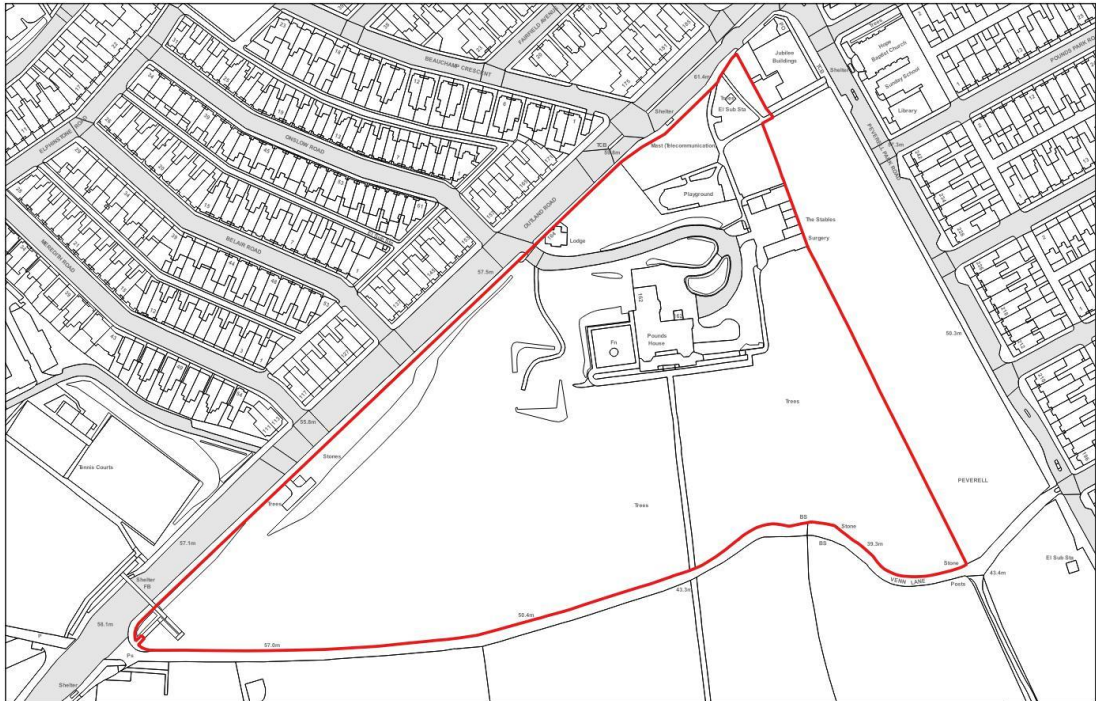
Dated

Schedule 1 – Dog Exclusion

1. All Public Places within the Council's administrative area signed at its entrance(s) as a 'dog exclusion area' (whether the sign uses those particular words and/or symbols having like effect) comprising of any fenced, hedged, walled or otherwise enclosed children's play area (owned and/or managed by the Council), bowling green, croquet lawn, tennis court, skate park, putting green, crazy golf or school grounds.

Schedule 2 – Dogs on Leads

1. All Public Places within the administrative area of Plymouth City Council comprising of all Plymouth City Council owned and/or managed sports pitches when within the marked pitch/playing area.
2. Pounds House Gardens, Plymouth (shown on Plan 1 attached)
3. West Hoe Park, Plymouth (shown on Plan 2 attached)
4. Moor View Park, Mutley, Plymouth (shown on Plan 3 attached)
5. Stoke Damerell Park, Stuart Road, Stoke, Plymouth (shown on Plan 4 attached)
6. Houndiscombe Park, Mutley, Plymouth (shown on Plan 5 attached)
7. Thorn Park, Mutley, Plymouth (shown on Plan 6 attached)
8. Specified area within Central Park, Plymouth (shown on Plan 7 attached)
9. Plymouth Crematorium at The Park, Hays Road, Plymouth (shown on Plan 8 attached)
10. Efford Cemetery, Efford, Plymouth (shown on Plan 9 attached)
11. Weston Mill Cemetery, Weston Mill, Plymouth (shown on Plan 10 attached)



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Plan 1 - Pounds House Gardens



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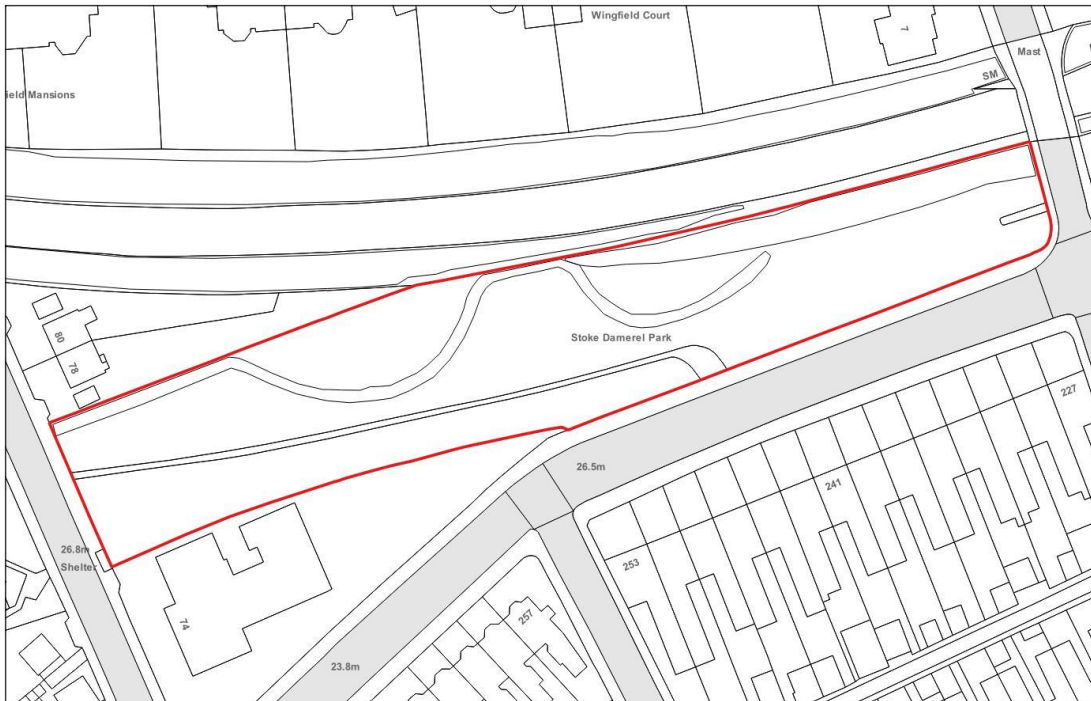
Plan 2 - West Hoe Park





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Plan 3 - Moor View Park



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Plan 4 - Stoke Damerell Park





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Plan 5 - Houndiscombe Park



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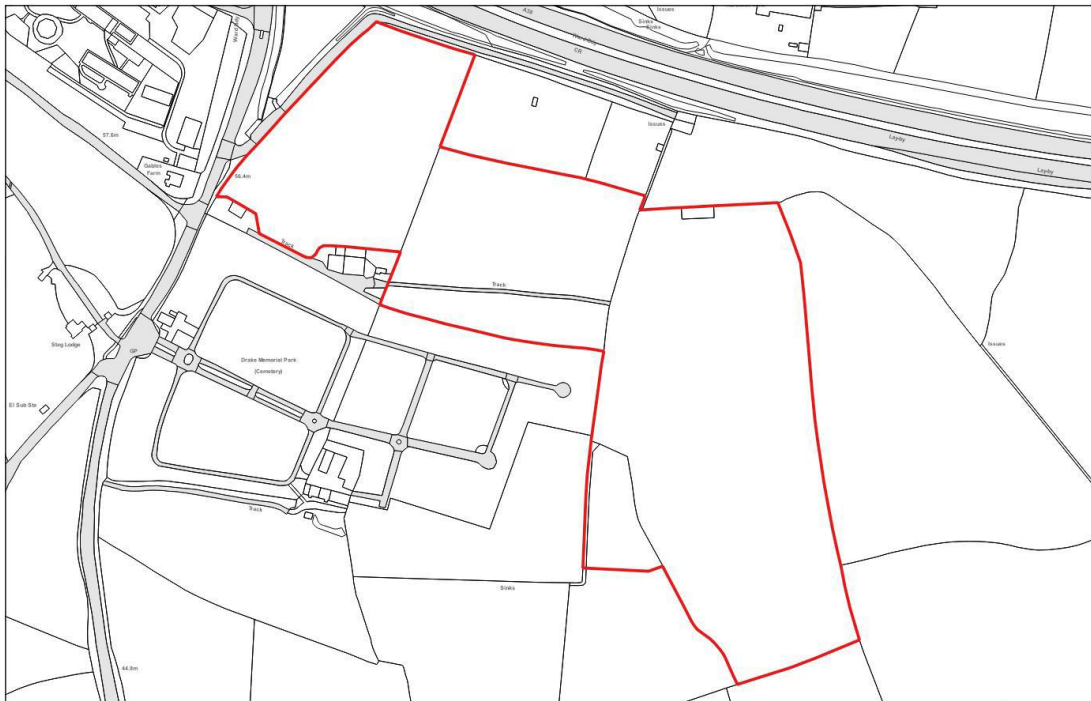
Plan 6 - Thorn Park





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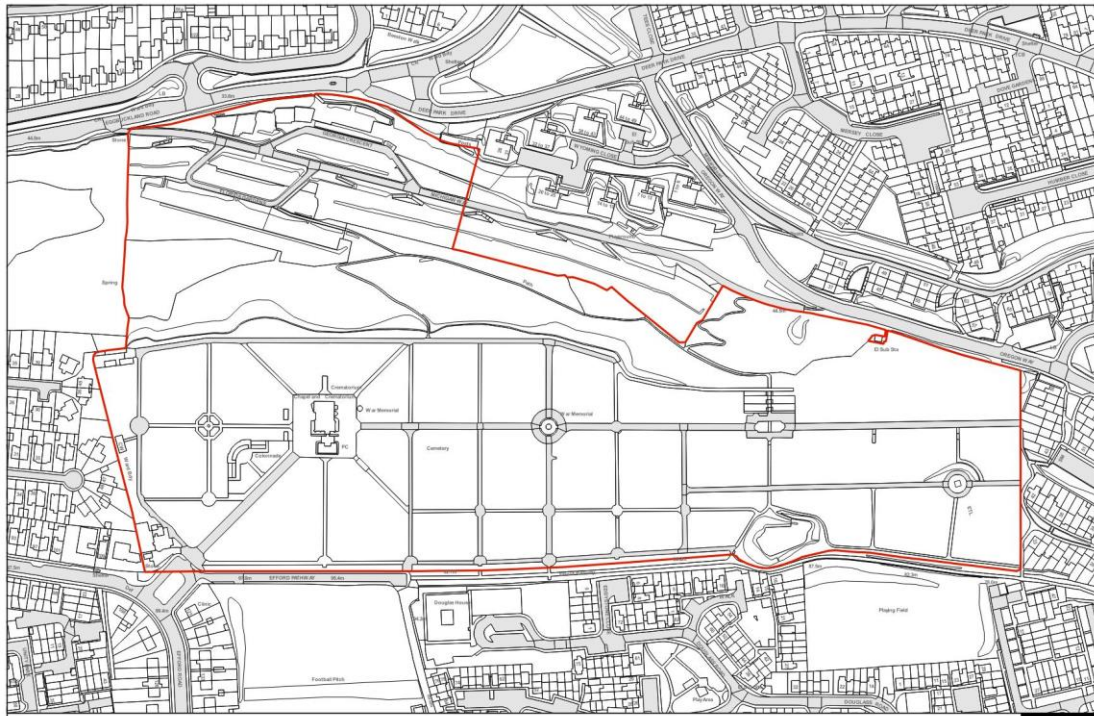
Plan 7 - Central Park Area



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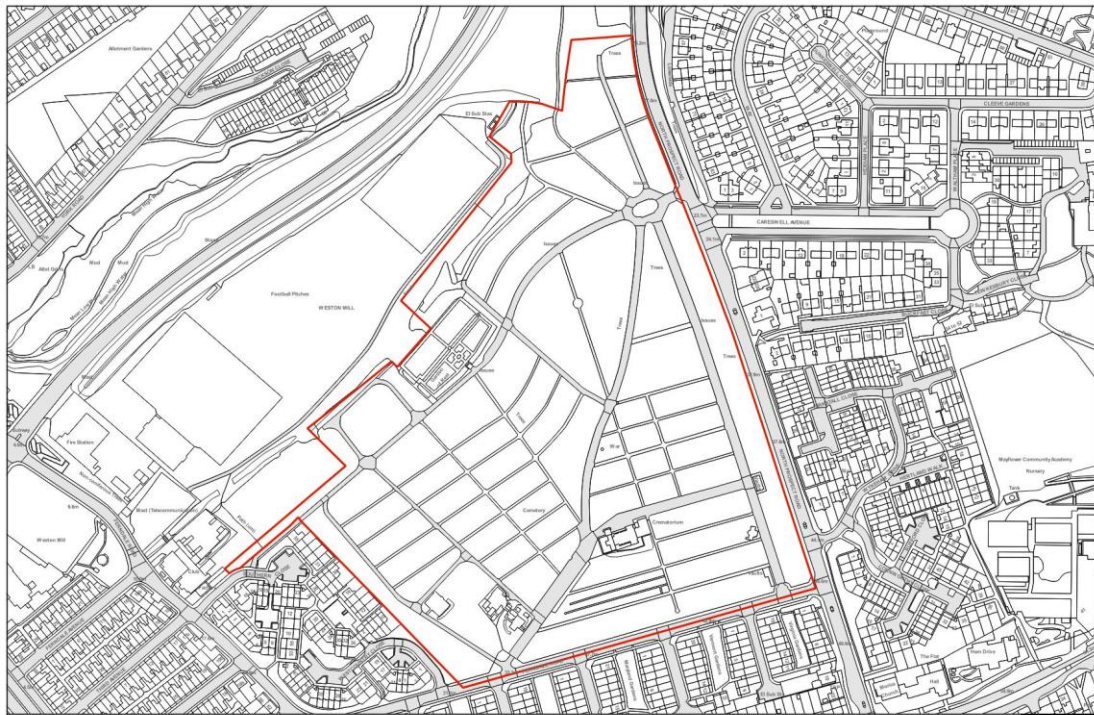
Plan 8 - Plymouth Crematorium at The Park





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Plan 9 - Efford Cemetery



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Plan 10 - Weston Mill Cemetery

