

# Public Spaces Protection Order

## Fouling

If within the restricted area 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 fails to remove the faeces from the land forthwith and properly dispose of it, that person shall be guilty of an offence unless

- (i) he has 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.
- iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.
- iv) 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.

## Dog Exclusion Areas (except Beaches)

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play unless

- (i) he has 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.

## Seasonal Dog Exclusion Areas (Beaches)

A person in charge of a dog shall be guilty of an offence if, between, 1st May and 30th September in any year or 1 April and 30 September in Dawlish Warren, he takes the dog onto, or permits the dog to enter or to remain on, any land designated as a Dog Exclusion Area detailed in Schedule 1, unless

- (i) he has 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.

## Dogs on lead Areas

A person in charge of a dog shall be guilty of an offence if, at any time on land designated as a Dogs on Lead Area detailed in Schedule 1 below, he does not keep the dog on a lead unless

- (i) he has 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
- (iii) failing to have a lead in his/her possession shall not be a reasonable excuse for failing to do so

## **Dog(s) on lead on the highway**

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not keep his dog on a lead less than 2m in length whilst on the public highway or on footpaths adjacent to the highway, unless he has reasonable excuse for failing to do so.

- (i) Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **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 restricted area, he does not comply with a direction given to him by an authorised officer of the council or a Police Officer to put and keep the dog on a lead unless

- (i) he has 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.

An authorised officer or Police Officer may only give a direction under the 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 danger to any other person or to a bird or another animal

Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **No more than X dogs**

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, the maximum number of dogs which a person may take onto the land is x unless

- (i) he has 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.

## **Means to pick up**

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he has 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.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

## **Exemptions**

Nothing in this order shall 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 if they are alone with the dog; or
- (b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog

trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

A “prescribed charity” is:

- Dogs for the Disabled (Registered Charity no. 700454)
- Support Dogs (Registered Charity no.1088281)
- Canine Partners for Independence (Registered Charity no. 803680)

(c) any police dog or fire dog. The term “police dog” or “fire dog” is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service’s dog unit. All reference to the term ‘dog’ also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.

(d) farm dogs moving livestock on the highway are not expected to be on a lead.

## **Explanations**

For the purpose of this order:

- 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;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- 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
- A highway will have the interpretation as stated in the Highways Act 1980, this includes cycle paths.
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Teignbridge District Council who is authorised in writing by Teignbridge District Council for the purposes of giving directions under the Order.