

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2017

**SECTION 59
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (“the Act”)**

The Council of the Borough of North Tyneside (“the Authority”) being satisfied that:-

- The activities identified below have been carried on in a public place within the Borough and have had a detrimental effect on the quality of life of those in the locality and/or
- It is likely that the activities identified below will be carried on in public places within the Borough and that they will have such an effect.

And that the effect or likely effect of the activities

- a) Is or is likely to be of a persistent or continuing nature
- b) Is or is likely to be such as to make the activity unreasonable; and
- c) Justifies the restrictions imposed by this Order

And pursuant to the requirements of section 72 of the Act the Authority:-

- a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention of Human Rights; and
- b) Having carried out the necessary consultation, notification and publicity

MAKES this Public Spaces Protection Order under section 59 of the Act

1. This Order applies, as the case may be, to the public land described in the Schedules of this Order and shown on the maps attached to this Order, or to all public land within the boundary of the Council of the Borough of North Tyneside being land in the Borough to which the Act applies and which is land protected by the making of this Order (“the restricted areas”).
2. This Order may be cited as The Council of the Borough of North Tyneside (Dog Control) Public Spaces Protection Order 2017 and shall come into force on 20 October 2017 for a period of 3 years unless extended by further Order.

EFFECT OF THE ORDER

The effect of this Order is to impose the following prohibitions and requirements on the use of the restricted areas:-

1. The Exclusion of Dogs from Land

- 1) A person in charge of a dog shall not at any time take a dog on, or permit a dog to enter or remain on, any children’s play area listed in Schedule 1 of this Order and shown on maps 1.1 to 1.55 attached to this Order and between 1 May and 30 September (inclusive) on a beach listed in Schedule 2 of this Order and shown on maps 2.1 to 2.4 attached to this Order unless:-
 - a) He/she 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/her failing to do so.

2. Dogs to be on a Lead

- 1) A person in charge of a dog shall at all times keep a dog on a lead in the restricted areas listed in Schedule 3 of this Order and shown on maps 3.1 to 3.14 attached to this Order unless:-
 - a) He/she 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/her failing to do so.

3. Dogs on Leads by Order

- 1) On any land which is open to the air to which the public are entitled or permitted to have access (with or without payment) within the boundary of the Council of the Borough of North Tyneside a person in charge of a dog shall at all times comply with a direction from a Constable or Authorised Officer to put and keep a dog on a lead unless:-
 - a) He/she 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 the dog remaining off the lead.
- 2) A Constable or Authorised Officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying of an animal or bird.

EXCEPTIONS

Nothing in this Order shall apply to a person who relies upon a dog trained by a prescribed charity and such person:-

- a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) Is deaf; or
- c) Has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects.

OFFENCE

It is an offence for a person without reasonable excuse to comply with the requirements imposed on him/her by this Order and on conviction is liable to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY NOTICE

A Constable or Authorised Person may issue a Fixed Penalty Notice to anyone he or she has reason to believe has committed an offence by failing to comply with requirements imposed on him or her by this Order. A person served with a Fixed Penalty Notice will have 21 days to pay the fixed penalty of £100. If a person pays the Fixed Penalty within 14 days the fixed penalty will be reduced to £75.00. If payment of the Fixed Penalty is made a person will not be prosecuted.

GENERAL

For the purposes of this Order:-

A 'public place' means any place 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.

An 'Authorised Person' means an employee of the Authority, person designated by the Authority to act on its behalf or a Police Community Support Officer.

An 'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

Each of the following is 'prescribed charity':-

- Dogs for the Disabled (registered charity number 700454)
- Support Dogs Limited (registered charity number 1088281)
- Canine Partners for Independence (registered charity number (803680)
- Dog A.I.D (registered charity number 1092960)
- Guide Dogs (registered charity number 209617)
- Hearing Dogs for Deaf People (registered charity number 293358)

CHALLENGING THE VALIDITY OF THE ORDER

An interested person may challenge the validity of this Order by applying to the High Court within 6 weeks of it being made. The grounds on which such an application can be made are:-

- That the Authority did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order, or
- That a requirement under the legislation in relation to the Order has not been complied with, for instance, that no consultation was undertaken.

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 total. The High Court may uphold the Order, quash it or vary it.

This Order was made on 20th day of October 2017

.....

V.M Geary
Head of Law and Governance
and Monitoring Officer