



**The Anti-social Behaviour, Crime and Policing Act 2014**  
**The Public Spaces Protection Order - (Dover District Council) 2022**

Dover District Council ("the Authority") makes this Public Spaces Protection Order (the "Order") in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the "Act"), as varied by the Authority in exercise of its powers under Section 61 of the Act. This Order may be cited as The Public Spaces Protection Order (Dover District Council) 'Variation No.1 [DATE TO BE ADDED]'

The Council is satisfied on reasonable grounds that the activities described below (the "Activities") carried out in a public place within its area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and that the 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 activities unreasonable, and
- c) justifies the restrictions imposed by the Order.

This Order comes into force on the 26<sup>th</sup> July 2022 for a period of 3 years.

**Activities which are prohibited or required by this Order are:**

**1. Dog Fouling**

If within the administrative area of the Authority 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, that person shall be guilty of an offence 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.

**2. Dogs on leads by order**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority 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 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.

An 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 to a bird or another animal.

**3. Dogs on leads**

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in Schedule 1 below he does not keep the dog on a lead 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.

**4. Dog exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

(a) he has reasonable excuse for failing to do so.  
or

(b) done so with the consent (generally or specifically) of the owner, occupier or other person having control of the land.

**5. Consumption of alcohol in public places**

Within the administrative area of the Authority namely the Dover District Council area, the consumption of alcohol or anything which a constable or authorised person reasonably believes to be alcohol having been required by a constable or authorised person not to consume it.

**Consumption of alcohol in breach of this order**

Section 63 of the Act provides where a constable or an authorised person reasonably believes that a person (P): -

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

The constable or authorised person may require P-

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol.

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A constable or an authorised person who imposes a requirement as set out above must tell P that failing without reasonable excuse to comply with the requirement is an offence.

## **6. Unauthorised camping**

No person shall position any vehicle, caravan, tent or other temporary structures that are designed or intended to provide shelter or accommodation for the purpose of an overnight stay or stays, within any public space within the Dover District Council Area without prior express consent of the owner or person in lawful control of the land, proof of which shall lie with the person remaining in any such vehicle, caravan or other temporary structure.

If instructed to do so by an Authorised Person, a person with responsibility for or utilising any vehicle or temporary structure shall remove the same and / or any associated equipment, animals or paraphernalia from the land as previously described without delay.

## **7. Exemptions**

Nothing in Parts 1, 2, 3 and 4 of 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; 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 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.

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.
- "An authorised officer of the Authority" means an employee, partnership agency or contractor of Dover District Council who is authorised in writing by Dover District Council for the purposes of giving directions under the Order.
- Each of the following is a "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)

Nothing in Part 5 of this order shall apply to

- (a) premises authorised by a premises license to be used for the supply of alcohol.
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol.
- (c) a place within the curtilage of premises within (a) or (b).
- (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time.
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

**8. Penalty**

- (a) A person who fails without reasonable excuse to comply with a requirement or a prohibition imposed under Parts 1, 2, 3, 4, and 6 of this order is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (b) A person who fails without reasonable excuse to comply with a requirement imposed under Part 5 of this order is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**The Common Seal of the**

**District Council Dover District Council**

**was Affixed in the presence of:**

Authorised Signatory: .....

Date: .....

Seal Number: .....