



## **The Anti-Social Behaviour, Crime and Policing Act 2014**

### **The Public Spaces Protection Order (No 1) – Hastings Borough Council 2017**

Hastings Borough Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on (enter date) 2017 for a period of 3 years.

#### **Offences**

##### **1. Fouling**

If within the administrative area of the Authority ( as shown edged black on Plan 1 ) 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 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; he/she has reasonable excuse for failing to do so; or

- a) 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 on Leads by Direction**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority (as shown edged black on Plan 1) he/she does not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a fixed 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 his/her failing to do so
- c) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a fixed lead if such a restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person (on any land to which this order applies) or the worrying or disturbance of any animal or bird

### **3. Dogs on Leads**

A person in charge of a dog shall be guilty of an offence if, during the times specified in Schedule 2 on any land to which this Order applies (detailed in Schedule 1) he/she does not keep the dog on a lead, unless-

- (i) he/she 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/her failing to do so.

#### **Schedule 1**

- (a) Only roads (as defined by Section 142 of the Road Traffic Regulation Act 1984) within the Borough of Hastings (as shown edged black on Plan 1) having a right of passage for motor vehicles (which includes areas of pavement, footway and verge set aside for pedestrians within such a highway), with 'motor vehicle' being as defined in section 185(1) of the Road Traffic Act 1988 and section 136(1) of the Road Traffic Regulation Act 1984 as "a mechanically propelled vehicle, intended or adapted for use on roads".
- (b) The Promenade being the areas i) between the south side of the carriageway of the A259 and the beach from, in the East, an imaginary line running northwards from the Harbour Arm to the Eastern end of East Beach Street to, in the west, the junction off the A259 with Sea Road, all such area to include the footway on the south side of the A259, the upper and lower promenades incorporating Bottle Alley, Marina Car Park and Pelham Place Car Park (as shown hatched black on Plan 2) and ii) between the south side of the carriageway of Sea Road and the beach (as shown hatched black on Plan 2)
- (c) Alexandra Park between Dordrecht Way and Bethune Way (as shown hatched black on Plan 3)
- (d) St Leonards Gardens (as shown hatched black on Plan 4)
- (e) Warrior Square Gardens (as shown hatched black on Plan 5)
- (f) Stade Open Space (as shown hatched black on Plan 6)
- (g) Grosvenor Gardens as shown hatched black on Plan 7)
- (h) West Marina Gardens (as shown hatched black on Plan 8)
- (i) Gensing Gardens (as shown hatched black on Plan 9)
- (j) Linton Gardens (as shown hatched black on Plan 10)
- (k) West Hill Green Space (as shown hatched black on Plan 11)
- (l) The grassed area east of Marine Court (as shown hatched black on Plan 12)

#### **Schedule 2**

- a) At all times for land as specified in Schedule 1 (a) (b) and (l)
- b) Between the hours of 08.00 and 18.00 (throughout the year) for land as specified in Schedule 1 (c) – (k) excluding (d) and (j).

- c) Between the hours of 09.00 and 17.00 (from 1<sup>st</sup> April to 31<sup>st</sup> October) for land as specified in Schedule 1 (d) and (j)
- d) Between the hours of 10.00 and 16.00 (from 1<sup>st</sup> November to 31<sup>st</sup> March Saturdays and Sundays only) for land as specified in Schedule 1 (d) and (j).

#### **4. Exclusion**

A person in charge of a dog shall be guilty of an offence if, during the times specified in Schedule 2 below, he/she takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 1 below 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.

#### **Schedule 1**

- a) The grounds of Hastings Castle (as shown hatched black on Plan 13) Hastings Cemetery (as shown hatched black on Plan 14) Duke Green, the fenced area (as shown hatched black on Plan 15) Torfield School Multi-Use Games Area and access (as shown hatched black on Plan 16) the Peace Garden within Alexandra Park (as shown hatched black on Plan 17) Hughenden Road Pocket Park (as shown hatched black on Plan 18)
- b) The area of foreshore and beach between, in the east the Harbour Arm and an imaginary line running from the centre point thereof northwards to the life-boat house and, in the west, the eastern side of the Pier (as shown hatched black on Plan 19) and that part of St Leonards beach between groyne 32 east-side of Warrior Square to groyne 42, eastern end of the ramp from the upper to the lower promenade outside the Royal Victoria Hotel (as shown hatched black on Plan 19)
- c) All children's play areas, multi-use games areas, skate parks, tennis courts, bowls greens within the Borough of Hastings and all water bodies within Alexandra Park (as shown hatched black coloured blue on Plan 20) and St Leonards Gardens (as shown hatched black coloured blue on Plan 4).

#### **Schedule 2**

- a) At all times to land as specified in Schedule 1(a) and (c)
- b) At all times between the 1<sup>st</sup> May and 30<sup>th</sup> September to land as specified in Schedule 1 (b)

#### **5. Dogs (Specified Maximum)**

This order applies to any land within the administrative area of the Authority (as shown edged black on Plan 1) which is open to the air to which the public have

access; the maximum number of dogs that can be taken onto land by one person is six.

## **6. 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; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
- c) Has a disability which affects his/her 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/she relies for assistance;
- d) Has an accredited assistance dog.

For the purposes of this order –

- A person who habitually has a dog in his/her 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, police constable, police community support officer, or other person so authorised in writing by Hastings Borough 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)

## **6. Penalty**

If any of the conditions are breached a Fixed Penalty Notice may be issued and failure to pay may lead to prosecution.

A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale