

Antisocial Behaviour Crime and Policing Act 2014

The Weymouth and Portland Dog Related Public Space Protection Order 2016

The following Order shall be known as The Weymouth and Portland Dog Related Public Space Protection Order 2016 and shall come into force on the 1st June 2016.

This Order supersedes the following:

The Fouling of Land By Dogs (Weymouth & Portland) Order 2010
The Dogs Exclusion (Weymouth & Portland) Order 2010
The Dogs on Leads By Direction (Weymouth & Portland) Order 2010
The Dogs on Leads (Weymouth & Portland) Order 2010 as amended in 2012

This Order has 6 sections and should be read in conjunction with the related Schedules.

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1. General provisions
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6. Penalty

Schedule 1 – General land provision

Schedule 2 – Exclusion of dogs – land and times

Schedule 3 – Dogs to be kept on lead – land and times

Section 1 - General provisions

- 1.1 Where specified in this Order 'the Council' means the Weymouth and Portland Borough Council.
- 1.2 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.
- 1.3 In relation to Sections 2, 3 and 5 of this Order the offence does not apply to a person who –
 - 1.3.1 is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - 1.3.2 has a disability which affects their 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 they rely for assistance.
- 1.4 In relation to Section 5 of this Order the offence does not apply to a person who –

- 1.4.1 is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance.
- 1.5 For the purposes of this Order a "prescribed charity" is;
- 1.5.1 Dogs for the Disabled (registered charity number 700454);
 - 1.5.2 Support Dogs (registered charity number 1088281);
 - 1.5.3 Canine Partners for Independence (registered charity number 803680).
- 1.6 In this Order "an authorised officer" means an employee of the Council or a person being given authorisation to act under the authority of the Council to enforce this Order and to direct dog owners to place their dogs on a lead as stipulated under Section 5 of this Order.
- 1.7 In this Order the definition of 'road' is all public highways 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'.

Section 2 - Removal and disposal of dog faeces

- 2.1 This Section applies to the land specified in Schedule 1.
- 2.2 If a dog defaecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
- 2.2.1 He has reasonable excuse for failing to do so; or
 - 2.2.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.
- 2.3 For the purposes of this Section –
- 2.3.1 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;
 - 2.3.2 Being unaware of the defaecation (whether by reason of not being in the vicinity or otherwise), or not having a device for, or suitable means of removing it, shall not be a reasonable excuse for failing to remove the faeces.

Section 3 - Dogs to be excluded from identified areas

- 3.1 This Section applies to the land specified and at the times specified in Schedule 2.
- 3.2 A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 2, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this section applies unless –
- 3.2.1 he has reasonable excuse for failing to do so; or
 - 3.2.2 the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.

Section 4 - Dogs to be kept on lead in identified areas

4.1 This Section applies to the land specified and at the times specified in Schedule 3.

4.2 A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 3, on any land to which this Section applies he does not keep the dog on a lead unless –

4.2.1. he has reasonable excuse for failing to do so; or

4.2.2. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.

4.3 The dog's lead shall not exceed 2 metres (6 foot, 6 inches) in length from handle to dog collar.

Section 5 - Dogs to be kept on a lead when directed to do so by an authorised officer

5.1 This section applies to land specified in Schedule 1.

5.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given by an authorised officer to put and keep the dog on a lead of not more than 2 metres (6 foot, 6 inches) in length unless –

5.2.1 he has reasonable excuse for failing to do so; or

5.2.2 the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.

5.3 An authorised officer may give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or disturbance to any other person (on land to which this section applies) or the worrying or disturbance of any animal or bird.

5.4 The dog's lead shall not exceed 2 metres (6 foot, 6 inches) in length from handle to dog collar.

Section 6 – Penalty

6.1 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.

Date: 4th May 2016

THE COMMON SEAL OF WEYMOUTH
AND PORTLAND BOROUGH COUNCIL
Was hereto affixed in the presence of:-



~~LEGAL SERVICES MANAGER~~
Assistant Chief Executive



182/16

SCHEDULE 1 – General land provision

Land to which cleansing and removal of dog faeces applies (Section 2), and dogs on lead by direction by an authorised officer (Section 5):

1. Subject to the exception in Paragraph 2 below, all land which is in the administrative areas of the Council and which is
 - (i) open to the air (which includes land that is covered but open to the air on at least one side) and
 - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in Paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967.

SCHEDULE 2 - Exclusion of dogs – land and times

Land to which dogs are excluded at all times unless otherwise specified;

1. All land within the administrative areas of the Council which comprises any fenced (and/or hedged and /or walled) children's play area, children's pool and/or sandpit, skateboard park, tennis court, basketball court, bowling green or putting green or any other fenced (and/or hedged and /or walled) park, sporting or recreational facility signed at it's entrance(s) as a 'dog exclusion area' (where the sign uses those particular words or uses words and/or symbols having a like effect).
2. All marked sports pitch playing surfaces or athletics tracks within the administrative area of the Council. – see also Schedule 3 for perimeter control.
3. Between Good Friday and 31st October Weymouth beach extending from the northern boundary of the designated Dog Exercise Area at the Pavilion end to the groyne at Greenhill.

SCHEDULE 3 – Dogs to be kept on lead – land and times

Land to which dogs shall be kept on a lead at all times unless otherwise specified;

1. Subject to the exemption listed in Schedule 1, each and every length of road (as defined in Section 1.7) within the administrative area of the Council, except public footpaths and bridleways; and
2. Municipal Cemeteries at:
 - a. Melcombe Regis – off Longcroft Road
 - b. Weymouth – off Quibo Lane
 - c. Weymouth Crematorium grounds
 - d. Wyke – off Wyke Road
 - e. Portland – Weston Road; and
 - f. Portland – Strangers Cemetery, Cadet Corner; and
3. Allotments at;
 - a. Rodwell/Longhill, Rodwell Avenue
 - b. Green Lane, St Martins Road
 - c. Sandsfoot, Rylands Lane

- d. Faircross, Gypsy Lane
 - e. Goldcroft, Pottery Lane
 - f. White Rouget, Barclay Road
 - g. Westham Crossroads, Abbotsbury Road
 - h. Lanehouse, Leamington Road
 - i. Parsons Close, High Street
 - j. Grove, Grove Road; and
4. Formal Public Gardens at:
 - a. Princess of Wales Memorial Gardens – Radipole Park Drive from tennis courts to Aldi
 - b. Greenhill Gardens
 - c. St John's Gardens, Westerhall
 - d. Sandsfoot Gardens
 - e. Cassiobury Road garden area adjacent to steps
 - f. Wyke Gardens
 - g. Easton Square Gardens;
 - h. Victoria Gardens, Fortuneswell; and
 5. Between Good Friday and the 31st October the open space at the Nothe Gardens; and
 6. Nothe Parade to Stone Pier; and
 7. Between Good Friday and the 31st October the recreation grounds at;
 - a. Fairview Road
 - b. Ryemead Lane
 - c. Lichfield Road/Ludlow Road ; and
 8. Within 5 metres of the marked perimeter of sports pitch playing surfaces and athletics tracks – see also Schedule 2 re the exclusion from those areas e.g. Redlands Sportsground, Weymouth Rugby Club, The Marsh (Map A hereto attached), Grove Road (see also Schedule 2 re the exclusion); and
 9. The footpath adjacent to the eastern side of The Marsh sportsground (running parallel with Knightsdale Road (Map A hereto attached); and
 10. On the Rodwell Trail; and
 11. Open space at
 - a. Pottery Lane
 - b. Southhill Community Centre & Shopping Centre; and
 12. On the area of Lodmoor Country Park identified on Map B hereto attached for the open space used as a children's play and exercise areas; and
 13. The RSPB reserves at
 - a. Lodmoor
 - b. Radipole
 14. On the Promenade from the Pleasure Pier to Bowleaze.

