

COPY

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

DERBYSHIRE DALES DISTRICT COUNCIL - DOG CONTROL PUBLIC SPACES PROTECTION ORDER 2018

Derbyshire Dales District Council ("the Council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met hereby makes the following Order:

1. The effect of this Order is to impose the following prohibitions and/or requirements in the public places described in the Schedules to this Order and where appropriate shown edged in red and shaded in colours identified by the keys of the plans annexed to this Order.

OFFENCES:

1. FOULING OF LAND BY DOGS

- a. If a dog defecates at any time on land in Schedule 1 of this Order 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
 - 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. That person is subject to the exemptions listed in article 5.

2. DOGS ON LEADS

- a. A person in charge of a dog shall be guilty of an offence if, at any time, on any land referred to in Schedule 2 of this Order, he does not keep the dog on a lead of not more than 1.5 metres in length unless—
 - i. he has a 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.

3. DOGS ON LEAD BY DIRECTION

- a. A person in charge of a dog shall be guilty of an offence if, at any time, on any land referred to in Schedule 3 of this Order, he does not comply with a direction given him by an authorised officer of the Council to put and keep the dog on a lead of not more than 1.5 metres in length unless—
 - i. he has a 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.
- b. For the purposes of this article –
 - i. An authorised officer of the Council may only give a direction under this 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 disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

4. DOGS EXCLUSION

- a. 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 referred to in Schedule 4 unless –
 - i. he has a 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. That person is subject to the exemptions listed in article 5

5. EXEMPTIONS

- a. Nothing in articles 1 and 4 shall apply to a person who –
 - i. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - ii. 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
 - iii. 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; or
 - iv. is training an assistance dog for one of the prescribed charities or such other charity/approved body as is considered appropriate by the Council.
- b. Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals.

6. FOR THE PURPOSE OF THIS ORDER:

- a. 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;
- b. 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;
- c. 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;
- d. An "authorised officer of the authority" means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purpose of giving direction under the Order.
- e. Each of the following is a prescribed charity
 - i. Dogs for the Disabled (registered charity number 700454)
 - ii. Support Dogs (registered charity number 1088281);
 - iii. Canine Partners for Independence (registered charity number 803680).

7. PENALTY

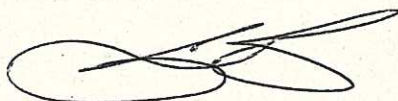
A person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

8. IN FORCE

This Public Spaces Protection Order shall come into effect on 1st November 2018 for a period of three years until 31st October 2021.

Dated this day of 2018

the COMMON SEAL of DERBYSHIRE DALES DISTRICT COUNCIL was hereto affixed in the presence of:



Head of Corporate Services
No. in deeds register: 121678

SCHEDULE 1

FOULING OF LAND BY DOGS

Description of land to which Schedule 1 applies:

1. Any land within the administrative area of Derbyshire Dales District Council 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.
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SCHEDULE 2

DOGS ON LEADS

Description of land to which Schedule 2 applies:

Ashbourne

Public Open Space, Cavendish Drive (Except Play Area)
Ashbourne Cemetery, Mayfield Road
Ashbourne Recreation Ground, Cokayne Avenue (11am – 4pm) (Except Play Area, Tennis Courts & Bowling Green)
Memorial Gardens, Cokayne Avenue
Bankcroft Picnic Area, King Edward Street
Brickyard Public Open Space, Old Derby Road (Except Play Area)
Public Open Space, Highfield Road (Except Play Area)
Public Open Space, Thorpe View (Except Play Area)

Bakewell

Cemetery and Memorial Gardens, Burton Edge
Bakewell Recreation Ground, Haddon Road (11am – 4pm) (Except Play Area & Tennis Courts)
Bath Gardens, Bath Street
Riverside Walk, Granby Road

Bonsall

Memorial Gardens, Yeoman Street
Bandstand at the Cross, Yeoman Street
Old School Yard at the Village Hall, The Dale
Nether Green, Clatterway

Brailsford

Public Open Space, The Plain (Except Play Area)
Brailsford Cemetery, Church Lane

Brassington

Cemetery, Church Street
Recreational Field, South of Green View
Picnic Area, Wirksworth Dale
Village Pond Open Space, Middle Lane
Village Green, Meadow Rise

Cromford

Memorial Gardens, Market Place
St Marks Churchyard, Hawthorn Drive
War Memorial, Scarthin
Steeple Arch Cemetery, Oakerthorpe Road

Darley Dale

Darley Dale Cemetery, Dale Road North

Doveridge

Playing Fields, Sand Lane
Doveridge Burial Ground, Upswood Road
Meadow View Pathway, Meadow View

Foolow

Foolow Village Green, Main Road

Hulland Ward

Area of Land on Moss Lane

Kniveton

Village Recreational Ground/School Playfield, Main Street (Except Play Area and Multi Games Area)

Matlock

Cavendish Road Public Open Space (Except Play Area)

Allen Hill Park, Allen Hill

Hall Leys Park, Causeway Lane (11am – 4pm) (Except Play Area, Multi Games Courts, Skate Park and Bowling Green)

Sensory Garden, Old Englishe Road

Starkholmes War Memorial, Starkholmes

War Memorial, Pic Tor

Swan House Picnic Area (Pig Meadow), Dale Road

Diana Memorial Gardens, Dimple Road

Wellfield Allotments, Wellfield

Megdale Community Garden, Megdale Road

Matlock Bath

Derwent Gardens, Derwent Avenue (Except Play Area)

Lovers Walk Riverside Paths, Lovers Walks (Except Play Area)

Memorial Gardens, North Parade

Pavilion Park Area, South Parade

Riverside Picnic Area, Dale Road

Picnic Area, Artist Corner

Middleton by Wirksworth

Cemetery, Main Street

Village Green, Main Street

South Darley

The Plantation, Cross Green

Stoney Middleton

Playing Fields, The Avenue (Except Play Area)

Tansley

Village Green, Church Street (Except Play Area)

Church Yard & Burial Ground, Church Street

Footpath from Gold Hill to Spout Lane

Winster

Winster Churchyard, Elton Road

Winster Cemetery, Elton Road

Wirksworth

Fanny Shaw Cemetery, Cromford Road

Memorial Gardens, St John Street

St Marys Church Yard, Church Walk

SCHEDULE 3

DOGS ON LEADS BY DIRECTION

Description of land to which Schedule 3 applies:

Ashbourne

Recreation Ground, Cokayne Avenue (4pm – 11am) (Except Play Area, Tennis Courts & Bowling Green)

Bakewell

Bakewell Recreation Ground, Haddon Road (4pm – 11am) (Except Play Area & Tennis Courts)

Bonsall

Play Area; Clatterway (Except Play Area)

Darley Dale

Recreation Area, Broadwalk (Except Play Area)
Play Area, Park Avenue (Except Play Area)
Recreation Area, The Avenue, Northwood (Except Play Area)
Play Area, Willow Way (Except Play Area)
Whitworth Park, Station Road (Except Play Area)

Matlock

Orchard Public Open Space, Hazel Grove (Except Play Area)
Dimple Recreation Ground, Megdale (Except Play Area)
Hall Leys Park, Causeway Lane (4pm – 11am) (Except Play Area, Multi Games Courts, Skate Park and Bowling Green)
Starkholmes Playing Field, Starkholmes (Except Play Area)
Victoria Hall Communal Garden, Victoria Hall Gardens
Moreledge Public Open Space, Moreledge (Except Play Area)
Denefields, Steep Turnpike
Hurst Rise Playing Fields, Hurst Rise (Except Play Area & Multi Games Area)

Middleton By Wirksworth

Playing Fields, Chapel Lane (Except Play Area)

Wirksworth

Bolehill Playing Fields, Old Lane (Except Play Area)
Fanny Shaws Playing Fields, Cromford Road (Except Play Area)
Gorsey Bank Playing Area, Gorsey Bank (Except Play Area & Multi Games Area)

SCHEDULE 4

DOGS EXCLUSION

Description of land to which Schedule 4 applies:

Special Note:

Where exclusion is defined as *Play Equipment* in areas where such equipment is not enclosed, the exclusion shall be deemed to be a zone comprising 3 metres from the outer edge of each piece of play equipment, including any associated ground safety surfacing where installed.

Ashbourne

Play Equipment, Cavendish Drive
Ashbourne Recreation Ground Enclosed Play Area, Tennis Courts & Bowling Green,
Cokayne Avenue
Enclosed Play Area, Brickyard Public Open Space, Old Derby Road
Play Equipment & Multi Games Area, Highfield Road
Enclosed Play Area, Thorpe View

Ashford in the Water

Hall Orchard Playing Field, Court Lane

Bakewell

Bakewell Recreation Ground Enclosed Play Area and Tennis Courts, Haddon Road

Bonsall

Enclosed Play Area, Clatterway

Bradwell

Recreation Ground, Gore Lane
Recreation Ground, Brookside
Peace Gardens, Church Street

Brailsford

Enclosed Play Area, The Plain

Brassington

Enclosed Play Area, Meadow Rise

Chelmorton

Enclosed Play Area, Main Street

Cromford

Enclosed Play Area & School Playing Fields, North Street

Darley Dale

Play Equipment, Broadwalk Recreation Ground
Play Equipment, Park Avenue
Play Equipment, Northwood Recreation Area
Play Equipment & Enclosed Play Area, Willow Way
Enclosed Play Area, Whitworth Park, Station Road

Hathersage

King George Playing Fields, Back Lane

Hognaston

Play Area, Old Bakery Close

Hulland Ward

Enclosed Play Area, Ashes Avenue

Kniveton

Enclosed Play Area & Multi Games Area, Village Recreational Ground/School Playing Field, Main Street

Matlock

Enclosed Play Area, Cavendish Road Public Open Space

Play Equipment at Orchard Public Open Space, Hazel Grove

Play Equipment at Dimple Recreation Ground, Megdale

Enclosed Area, Multi Games Courts, Skate Park and Bowling Green), Hall Leys Park, Causeway Lane

Smedley Street Park (Sparrow Park), Smedley Street East

Enclosed Play Area, Starkholmes Playing Field

Play Equipment & Multi Games Area, Hurst Rise Playing Fields, Hurst Rise

Matlock Bath

Enclosed Play Area, Derwent Gardens

Enclosed Play Area, Lovers Walks

Middleton by Wirksworth

Enclosed Play Area and Play Equipment, Chapel Lane Playing Fields

Millennium Gardens, Stile Croft

Middleton by Youlgrave

Enclosed Play Area, Meadow Lane

Rowsley

Play Area, Chatsworth Road

Enclosed Play Area, Woodhouse Road Recreation Ground

Stanton in the Peak

The Green & Play Area, The Green

Stoney Middleton

Enclosed Play Area, The Avenue Playing Fields

Sudbury

Sudbury Sports Field, Main Street

Tansley

Enclosed Play Area, Tansley Village Green, Church Street

Winster

Enclosed Play Area, Woodhouse Lane

Wirksworth

Play Equipment, Bolehill Playing Field, Old Lane

Play Equipment, Fanny Shaws Playing Field, Cromford Road
Play Area, The Dale
Play Equipment, Multi Games Area & Enclosed Play Area, Gorsey Bank
Play Equipment, Yokecliffe Park
Kingsfield Play Area, Millers Green
Wash Green Play Area, Wash Green

Youlgrave

QE11 Playing Fields, Alport Lane
Play Area, Coldwell End
Allotments, Coldwell End
