



**The Mid Devon (Public Spaces Protection)
(Dog Control) Order 2021**

**Section 59 of the Anti-Social Behaviour, Crime
and Policing Act 2014**

Date 7th October 2021

Contents

1. Introduction
2. Scope
3. Duration
4. Title
5. Dog Fouling
6. Dog on Leads
7. Dogs Excluded (Enclosed Play Areas)
8. Limit on number of dogs
9. Offences and Penalties
10. Exemptions
11. Appeal
12. Validity (Severance)

Date

7 October 2021

Introduction

Pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Mid Devon District Council (in this Order called "the Council"), in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order.

1. Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

"Authorised Officer" means a person who is authorised in writing by the Council for the purposes of this Order

"District of Mid Devon" means the land shown edge red on the plan marked "District" and referred to in Schedule A

"Person in Charge" means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession

"Plans" means the plans attached to the Schedules to this Order

"Police Constable" means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable

"Public Spaces" means land within the District of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

1.4 References to articles and Schedules are to the Articles and Schedules of this Order.

1.5 Where land is listed in a Schedule the location and extent of the land is shown in the corresponding Plan referred to in the Schedule.

2. Scope

This Order applies to the Public Spaces, public parks, public cemeteries and churchyards and enclosed play areas cited in this Order within the District of Mid Devon, and shown on the plans to Schedules A, B, C and D hereto.

3. Duration

This Order shall come into effect on *7th October* 2021 and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

4. Title

This Order may be cited as "The Mid Devon (Public Spaces Protection) (Dog Control) Order 2021"

5. Dog Fouling

5.1 In any Public Spaces -

- 5.1.1 If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and
- 5.1.2 A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

5.2 For the purposes of Article 5.1.1 -

- 5.2.1 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; and
- 5.2.2 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6. Dogs on Leads

- 6.1 In any public cemetery or churchyard or part of it listed in Schedule B to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.2 In any public park listed in Schedule C to this Order any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.3 Subject to Articles 6.1 and 6.2 in all Public Spaces a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.
- 6.4 For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction 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 alarm, distress or disturbance to any other person or animal or bird on the land.

7. Dogs Excluded (Enclosed Play Areas)

A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any enclosed play area listed in Schedule D to this Order.

8. Limit on number of dogs.

No person in any Public Spaces shall be in charge of more than 6 dogs at any time. This Article does not apply to enclosed play areas referred to in Article 7 as dogs are prohibited from the said enclosed play areas.

9 Offences and Penalties

9.1 Any failure to comply with the requirements or prohibitions imposed in Articles 5, 6, 7 and 8 of this Order shall constitute a criminal offence, unless:

9.1.1 The person has a reasonable excuse for failing to do so;

9.1.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or

9.1.3 The person is exempt under Article 10 of this Order.

9.2 Any 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 (on the date of this Order, this is set at £1,000).

9.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

10. Exemptions

10.1 The requirements and prohibitions imposed by this Order shall not apply to any person who:

10.1.1 is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;

10.1.2 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 registered charity and upon which he relies for assistance;

10.2.3 is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue); or

10.2.4 is using a working dog for agricultural activities or exempt hunting as set out in Schedule 1 of the Hunting Act 2004.

11. Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

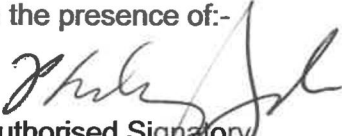
12. Validity (Severance)

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF Mid Devon District Council

was hereunto affixed

in the presence of:-


Authorised Signatory

Seal No 11168



THE SCHEDULES

List of Plans

SCHEDULE A District of Mid Devon

Plan 1 – Map of District

THE SCHEDULES

List of Plans

SCHEDULE A District of Mid Devon

Plan 1 – Map of District

SCHEDULE B Public Cemeteries and Churchyards

Plan 2 – All Saints Church Cemetery, Culmstock

Plan 3 – Cemetery, Black Dog

Plan 4 – Burial Ground, Cheriton Fitzpaine

Plan 5 – St Matthew's Church, Cheriton Fitzpaine

Plan 6 – Methodist Cemetery, Coplestone

Plan 7 – St John the Baptist Church, Cove, Tiverton

Plan 8 – Cemetery, Crediton

Plan 9 - Cemetery, Cullompton

Plan 10 – Cemetery, Culmstock

Plan 11 – Cemetery, Halberton

Plan 12 – Cemetery, Hemyock

Plan 13 – St Andrew's Church Cemetery, Colebrooke

Plan 14 – St Andrew's Church Cemetery, Cullompton

Plan 15 – St George's Church, Tiverton

Plan 16 – St Mary's Church Cemetery, Hemyock

Plan 17 – St Mary's Church Cemetery, Uffculme

Plan 18 – St Mary's Church, Willand

Plan 19 – Cemetery, Tiverton

Plan 20 – Cemetery, Uffculme

Plan 21 – Cemetery, Wembworthy

Plan 22 – Cemetery, Willand

SCHEDULE C Public Parks

Plan 23 – Skate park, Lords Meadow, Crediton

Plan 24 – Newcombes Meadow, Crediton

Plan 25 – Skate park, Meadow Lane, Cullompton

Plan 26 – Ploudal Road Play Area, Cullompton

Plan 27 – Logan Way, Hemyock

Plan 28 – Amory Park, Tiverton

Plan 29 – Skate park, Bolham Road, Tiverton

Plan 30 – Marley Close, Tiverton

Plan 31 – People’s Park, Tiverton

Plan 32 – Priory Road, Tiverton

Plan 33 - Westexe Recreation Ground, Tiverton

Plan 34 – Play Area, Westleigh

Plan 35 - Recreation Ground (Jubilee Field), Gables Road, Willand

Plan 36 – Victoria Close, Willand

SCHEDULE D Enclosed Play Areas

Plan 37 – Recreation Ground, Morebath Road, Bampton

Plan 38 - Play Area, Station Road, Bampton

Plan 39 - Play Area, Godfrey Gardens, Bow

Plan 40 - Play Area, Iter Park, Bow

Plan 41 - Play Area, St Martins Close, Bow

Plan 42 - Play Area, Village Hall, Bow

Plan 43 - Play Area, Barnes Close, Bradninch

Plan 44 - Play Area, Townlands, Bradninch

Plan 45 - Play Area, Bray Close, Burlescombe

Plan 46 - Play Area, Chawleigh

Plan 47 - Recreation Ground, Chawleigh

Plan 48 - Play Area, Glebelands, Cheriton Bishop

Plan 49 - Play Area, Landboat View, Cheriton Fitzpaine

Plan 50 - Play Area, Coleford

Plan 51 - Play Area, Femworthy Park, Coppleshone

Plan 52 - Play Area, Sunnymead, Coppleshone

Plan 53 - Play Area, Barnfield, Crediton

Plan 54 - Play Area, Beacon Park, Crediton

Plan 55 - Play Area, Beech Park, Crediton

Plan 56 - Play Area, Cromwells Meadow, Crediton

Plan 57 - Play Area, Fulda Crescent, Crediton

Plan 58 - Play Area, Kirton Drive, Crediton

Plan 59 - Play Area, Lords Meadow, Crediton

Plan 60 - Play Area, Monks Close, Crediton

Plan 61 - Play Area, Newcombes Meadow, Crediton

Plan 62 - Play Area, Queen Elizabeth Drive, Crediton

Plan 63 - Play Area, Spinning Path Gardens, Crediton

Plan 64 - Play Area, Tuckers Meadow, Crediton

Plan 65 - Play Area, Walnut Drive, Crediton

Plan 66 - Play Area, Ash Drive, Cullompton

Plan 67 - Play Area, Bockland Close, Cullompton

Plan 68 - Play Area, Bullfinch Close, Cullompton
Plan 69 - Play Area, Chaffinch Drive, Cullompton
Plan 70 - Play Area, Conifer Close, Cullompton
Plan 71 - Play Area, Crossparks, Cullompton
Plan 72 - Play Area, Dove Close, Cullompton
Plan 73 - Play Area, Hanover Gardens, Cullompton
Plan 74 - Play Area, Haymans Close, Cullompton
Plan 75 - Play Area, Haymans Green, Cullompton
Plan 76 - Play Area, Headweir Road, Cullompton
Plan 77 - Play Area, Knightswood, Cullompton
Plan 78 - Play Area, Linden Road, Cullompton
Plan 79 - Play Area, Linear Park, Cullompton
Plan 80 - Play Area, Rivermead, Cullompton
Plan 81 - Play Area, Saxon Close, Cullompton
Plan 82 - Play Area, Siskin Chase, Cullompton
Plan 83 - Play Area, Spindlebury, Cullompton
Plan 84 - Play Area, Starlings Roost, Cullompton
Plan 85 - Play Area, Stoneyford, Cullompton
Plan 86 - Play Area, Tufty Park, Cullompton
Plan 87 - Play Area, Water Meadow, Cullompton
Plan 88 - Play Area, Windsor Close, Cullompton
Plan 89 - Play Area, Hunter's Hill, Culmstock
Plan 90 - Play Area, Lower Town Halberton
Plan 91 - Play Area, Hollingarth Way, Hemyock
Plan 92 - Play Area, Logan Way, Hemyock
Plan 93 - Play Area, Longmead, Hemyock
Plan 94 - Play Area, Millhayes, Hemyock
Plan 95 - Play Area, Holcombe Rogus
Plan 96 - Play Area, Church Close, Lapford
Plan 97 - Play Area, Greenaway, Morchard Bishop
Plan 98 - Play Area, Wood Lane, Morchard Bishop
Plan 99 - Recreation Ground, Oakford

Plan 100 - Play Area, Puddington
Plan 101 - Play Area, Cornlands, Sampford Peverell
Plan 102 - Play Area, Mill Lane, Sandford
Plan 103 - Play Area, Newbuildings Sandford
Plan 104 - Play Area, Town Barton, Sandford
Plan 105 - Recreation Ground, School Close, Shobrooke
Plan 106 - Play Area, Silverton
Plan 107 - Skate park, Silverton
Plan 108 - Play Area, Ellerhayes, Silverton
Plan 109 - Play Area, Amory Park, Tiverton
Plan 110 - Play Area, Ashley Rise, Tiverton
Plan 111 - Play Area, Banskia Close, Tiverton
Plan 112 - Play Area, Coles Mead, Tiverton
Plan 113 - Play Area, Everett Place, Tiverton
Plan 114 - Play Area, Grand Western Canal, Canal Hill, Tiverton
Plan 115 - Play Area, Hawthorne Road, Tiverton
Plan 116 - Play Area, Orchard Leigh, Tiverton
Plan 117 - Play Area, Palmerston Park, Tiverton
Plan 118 - Play Area, Popham Close, Tiverton
Plan 119 - Play Area, Spencer Drive, Tiverton
Plan 120 - Play Area, Starkey Close, Tiverton
Plan 121 - Play Area, Trickey Close, Tiverton
Plan 122 - Play Area, Waylands Road, Tiverton
Plan 123 - Play Area, Westexe Recreation Ground, Tiverton
Plan 124 - Play Area, Wilcombe, Tiverton
Plan 125 - Play Area, Culm Valley Way, Uffculme
Plan 126 - Play Area, Recreation Ground, Highland Terrace, Uffculme
Plan 127 - Play Area, Pathfields, Uffculme
Plan 128 - Play Area, Pippins Field, Uffculme
Plan 129 - Play Area, Wembworthy
Plan 130 - Play Area, Buttercup Road, Willand
Plan 131 - Play Area, Chestnut Drive, Willand

- Plan 132 - Play Area, Gables Lea, Willand
- Plan 133 - Play Area, Harpitt Close, Willand
- Plan 134 - Play Area, Mallow Court, Willand
- Plan 135 - Play Area, South View, Willand
- Plan 136 - Play Area, The Orchards, Willand
- Plan 137 - Play Area, Worcester Crescent, Willand