

55/22/166



DOCUMENT SEALING / SIGNING REQUEST

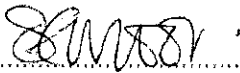
FROM	SHARON WROOT	DATE	23/6/2022
TO	LEGAL SERVICES	OUR REF	
DOCUMENT	Public Spaces Protection Order		

Officer Declaration:


I certify that the above document is presented to Legal Services for sealing following authorisation, as set out below, by the appropriate Director under delegated powers or in accordance with a resolution of the relevant Committee or Cabinet Member pursuant to the Council's Constitution.

I understand that the sealing of this document by Legal Services is in an administrative capacity and does not warrant that Legal Services have approved its contents before sealing and I do not require Legal Services to review the document before it is sealed.

Please have the attached document executed as appropriate by or on behalf of the Council and returned to me as soon as possible.

signed: 

AUTHORITY FOR SEALING / SIGNING			
CABINET OR COMMITTEE		DELEGATED POWERS	
MINUTE NUMBER	N/A	DECISION MAKER (Name & Job Title)	SHARON WROOT EXEC DIRECTOR, PLACE
DATE OF MEETING	N/A	DATE OF DECISION	23/6/22

DATE SEALED / SIGNED	SEAL NUMBER	SIGNATORY
14.7.22	96009.	

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER 2022

DOG CONTROL

This Order is made by North East Lincolnshire Borough Council (the Council) in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act).

- 1) The Order applies to the public places described below or shown in maps annexed to this Order (the Restricted Areas)
- 2) The Council is satisfied that the two conditions below have been met, in that:
 - a) activities carried on in the restricted area have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
- 3) This Order will have effect for a 3 year time period.
- 4) The effect of this Order is to impose the following:

a) Borough wide Prohibitions

1. Failure to clear up your dog's mess - If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith. This prohibition would be in force across the borough of North East Lincolnshire.

2. Leads by order – This covers the need for people to put and keep a dog on a lead when directed to do so by an authorised officer. A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead. 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. This prohibition would be in force across the borough of North East Lincolnshire.

3. Means to pick up - This covers the need for a person in charge of a dog on land to which this order applies to have and produce on request the appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces. This prohibition would be in force across the borough of North East Lincolnshire.

b) Restrictions in certain areas

1. The keeping of dogs on leads in specified areas - A person in charge of a dog on the land below must keep the dog on a lead. This requirement would be in force within the following areas.

i) During opening times for all cemeteries, including green burial areas and woodland burial areas; see *Map App 1 Cleethorpes Cemetery*, *Map App 2 Grimsby Cemetery* all annexed to this Order. Clear signage will be erected in these locations.

ii) At all sports grounds, fields, parks, play areas and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for organised authorised events. These include galas, fairs, sporting matches, charitable events. This would not apply in the enclosed dog exercise area at Sussex Recreational park. See *Map App 3 Sussex Recreational Ground* annexed to this Order. Clear signage will be erected in these locations.

c) Exclusion of dogs from certain areas

1. This includes enclosed children's play areas - A person in charge of a dog must not take it into or keep it within a specified or signed area. This includes fenced / enclosed children's play area and where there is a sign at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play.

2. Dogs are not allowed on the beach from Wonderland Groyne to Cleethorpes Leisure Centre from Good Friday to 30 September each year. The seafront map shows the areas that dogs are allowed at this time – see *Map App 4 Cleethorpes Seafront* annexed to this Order. Clear signage will be erected in this area.

3. In addition an existing bowling green recreational field already subjected to a dog exclusion zone at Sussex Recreational Ground has also been included within this prohibition at all times – see *Map App 3 Sussex Recreational Ground* annexed to this Order. Clear signage will be erected in these areas

4. A dog exclusion zone will also apply outside of opening times for all cemeteries, including green burial areas and woodland burial areas; Clear signage will be erected in these locations - see dog exclusions map annexed to this Order.

5) The Penalties

a) Any person who without reasonable excuse fails to comply with any of the prohibitions, exclusions or restrictions within the Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

b) A Police Constable or Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100, failing which they may be prosecuted.

6) Validity of Order

- a) Any challenge to this Order must be made at the High Court within 6 weeks of it being made by someone who lives in, regularly works in or visits the restricted area.
- b) The validity of the Order can be challenged on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that proper process had not been followed as prescribed by the Act.
- c) When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

7) 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 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.

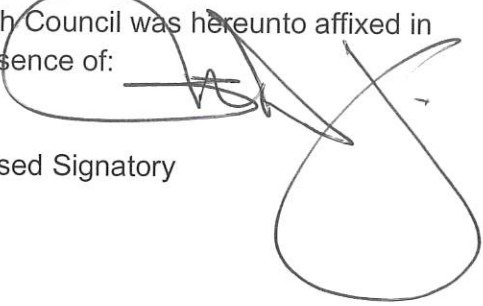
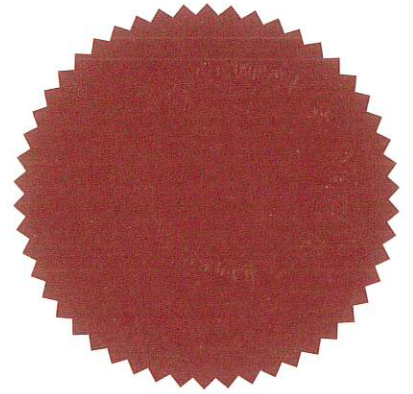
8) Additional notes and definitions for the purpose of this Order

- a) A person who habitually has a dog in their 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 North East Lincolnshire Council who is authorised in writing by North East Lincolnshire Council for the purposes of giving directions under the Order.

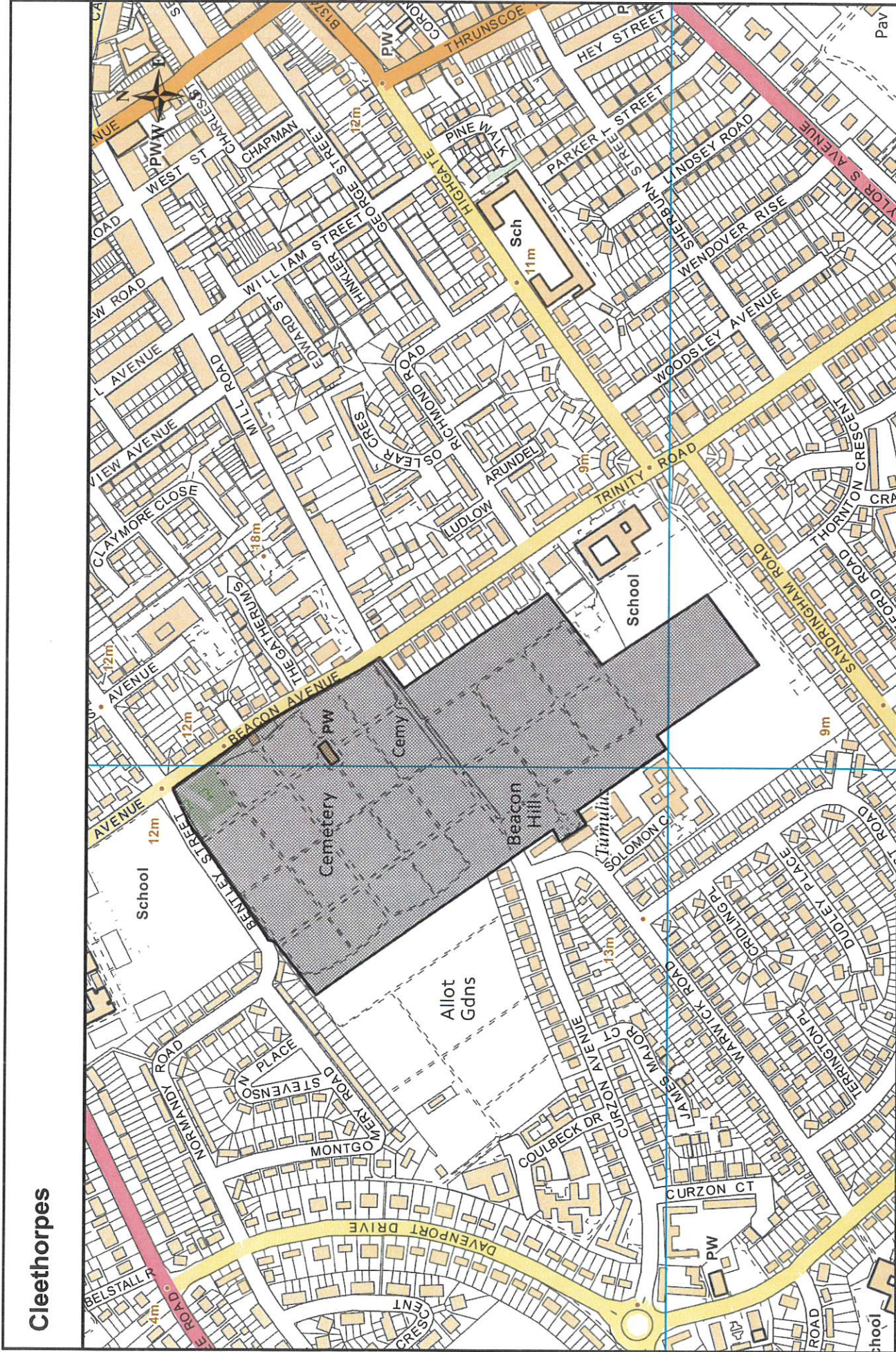
Dated: 14/07/22

The Common Seal of North East Lincolnshire
Borough Council was hereunto affixed in
the presence of:

Authorised Signatory

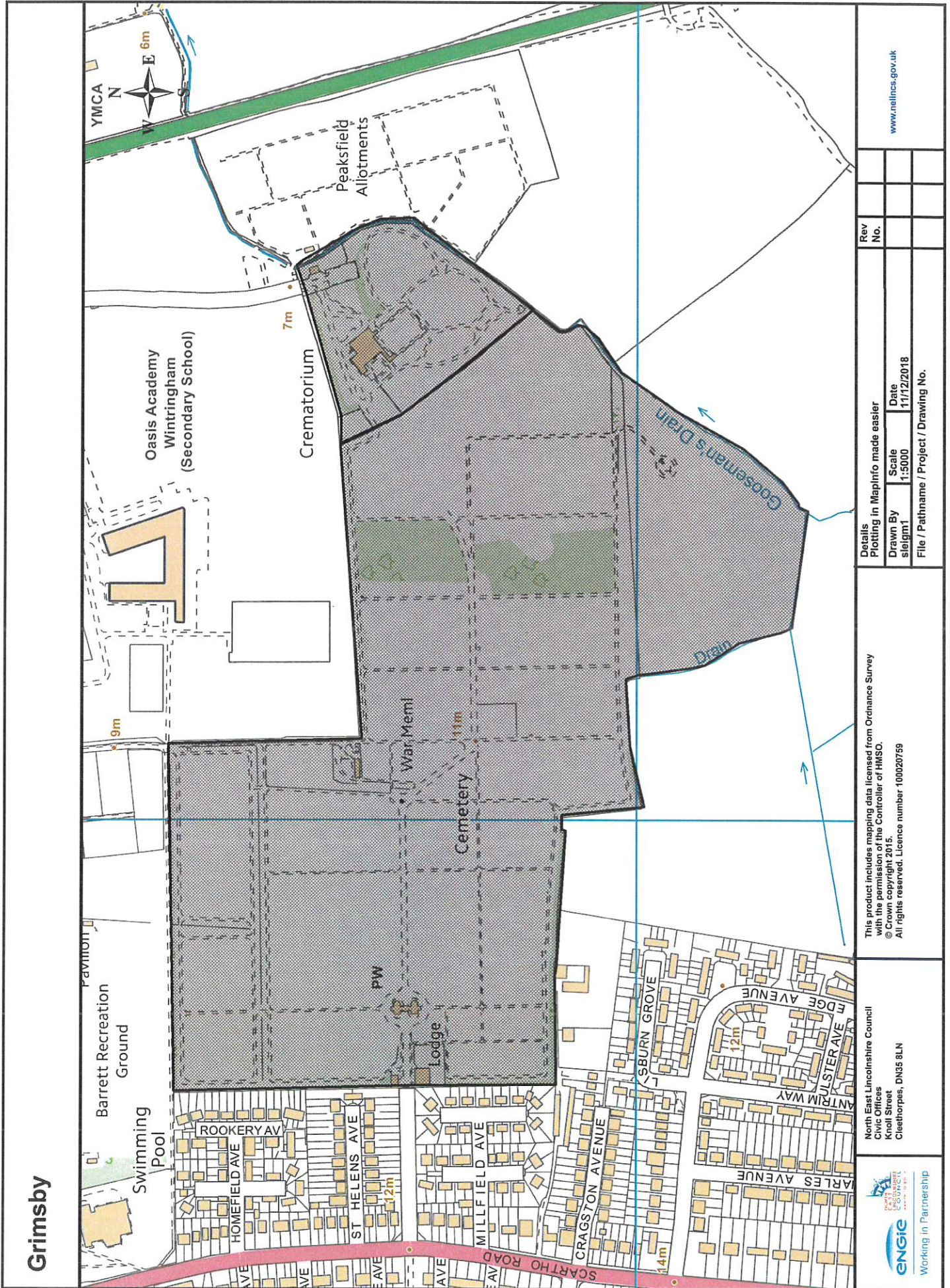
A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the text 'the presence of:' and extending down towards the 'Authorised Signatory' label.

96009.



Cleethorpes

<p>North East Lincolnshire Council Civic Offices Knoll Street Cleethorpes, DN35 8LN</p>  <p>Working in Partnership</p>	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown copyright 2015. All rights reserved. Licence number 100020759</p>		<p>Details Plotting in MapInfo made easier</p>		<p>Rev No.</p>
	<p>Drawn By sleightm1</p>	<p>Scale 1:5000</p>	<p>Date 11/12/2018</p>	<p>File / Pathname / Project / Drawing No.</p>	<p>www.nelincs.gov.uk</p>



Grimsby

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North East Lincolnshire Council
Civic Offices
Knoll Street
Cleethorpe, DN35 8LN



Details
Plotting in MapInfo made easier
Drawn By sleigm1
Scale 1:5000
Date 11/12/2018
File / Pathname / Project / Drawing No.

Rev No.			

www.nelincs.gov.uk

Map App 4

