

Made this day of 20

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 power 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

“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.

2. Scope

This Order applies to all Public Spaces in the District of Mid Devon.

3. Duration

This Order shall come into effect on day of 20 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 20 "; and imposes the following requirements and prohibitions.

5. Dog Fouling

In any Public Spaces

5.1(a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and

(b) 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.

3.2 For the purposes of Article 5.1(a):

(i) 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

(ii) 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 of the public cemeteries (which are Public Spaces)listed and shown 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 of the of public parks (which are Public Spaces) listed and shown in Schedule 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 In all other 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 6.2, 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 Children's Play Areas)

7.1 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 children's play area (which are Public Spaces) described or listed in Schedule D to this Order

8. Limit on number of dogs

8.1 No person in any Public Spaces shall be in charge of more than 4 dogs at any time

9. Offences and Penalties

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

1. The person has a reasonable excuse for failing to do so;
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
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 £ .
Payment of the Fixed Penalty of £ 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:

1. Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;
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; or
3. Is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

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

This day of in the Year

Schedules

SCHEDULE A – District of Mid Devon Plan

SCHEDULE B – Public Cemeteries - List and Plans

SCHEDULE C-- Parks-List and Plans

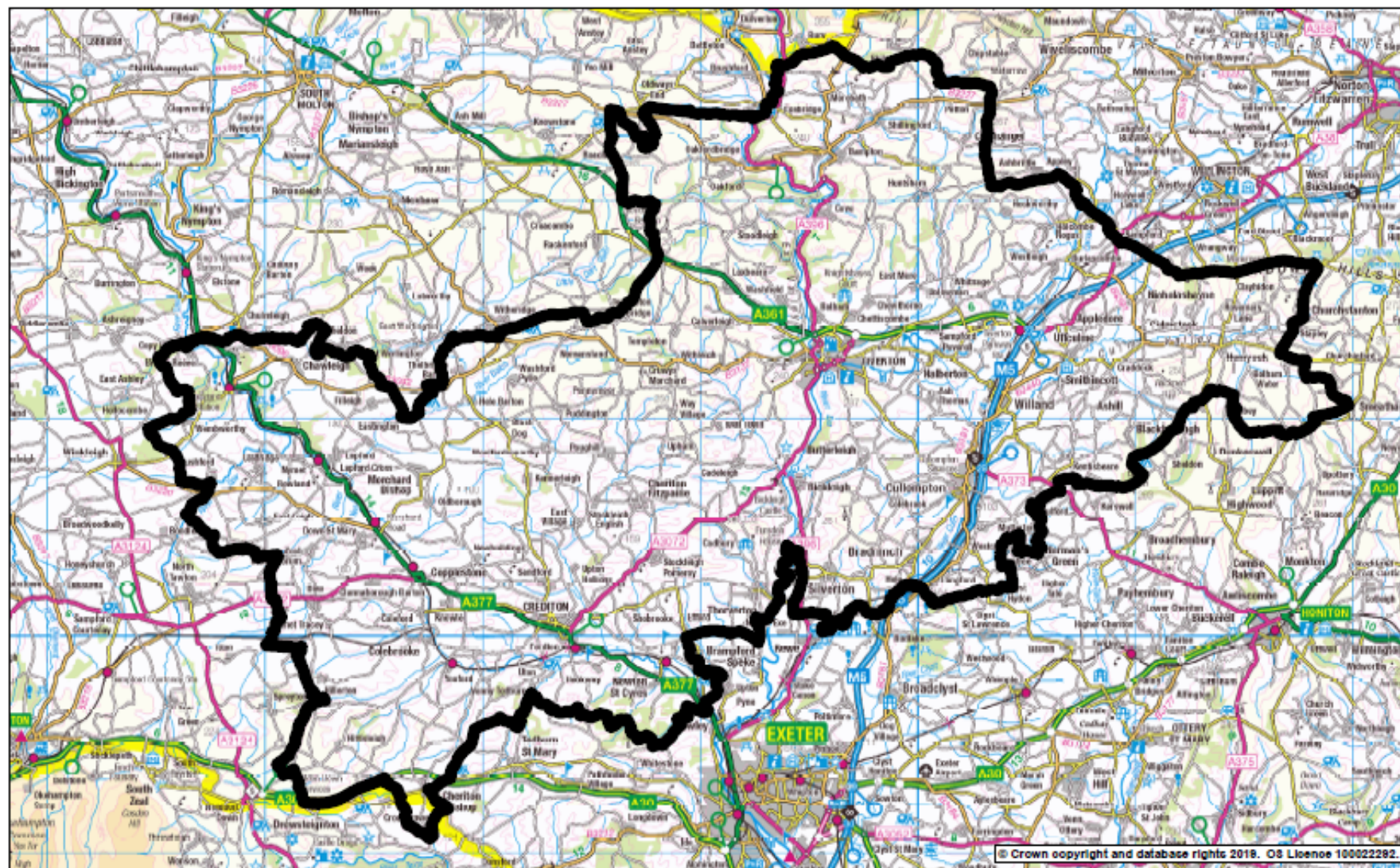
SCHEDULE D - Enclosed Children's Play Areas – List and Plan



**Schedule A
MID DEVON DISTRICT**

STREET SCENE & OPEN SPACES

Scale 1:150,023 @ A3	Date 11 December 2019
Dwg. No.	Produced by



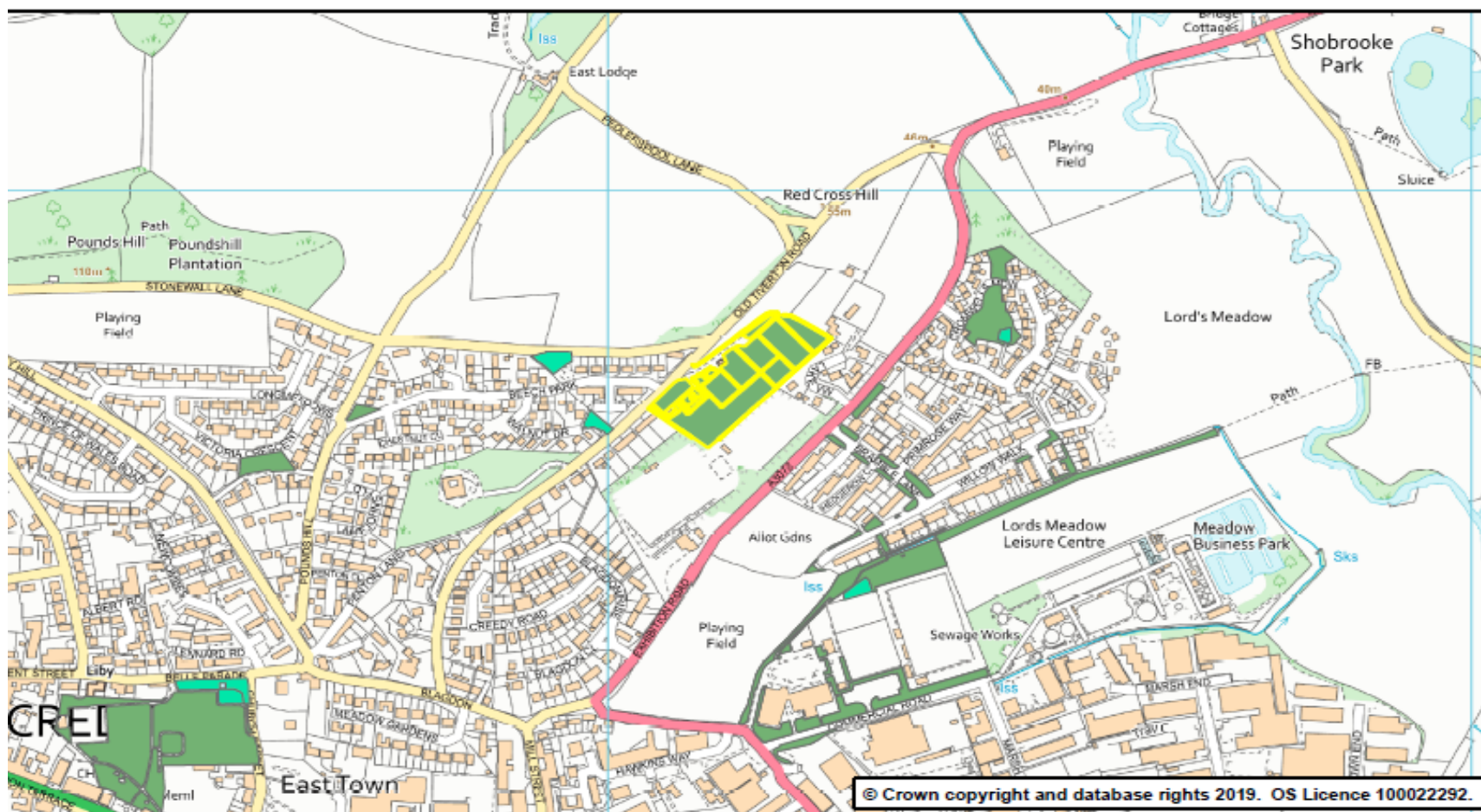
Schedule B



Site Crediton Cemetery	Location .
Scale: 1:6,109 @ A4	Date: 11 December 2019
Drg. No: <Double-click to enter>	Produced by: <Double-click to enter>

Customer Services, Estates Management
Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255
Website: www.middevon.gov.uk



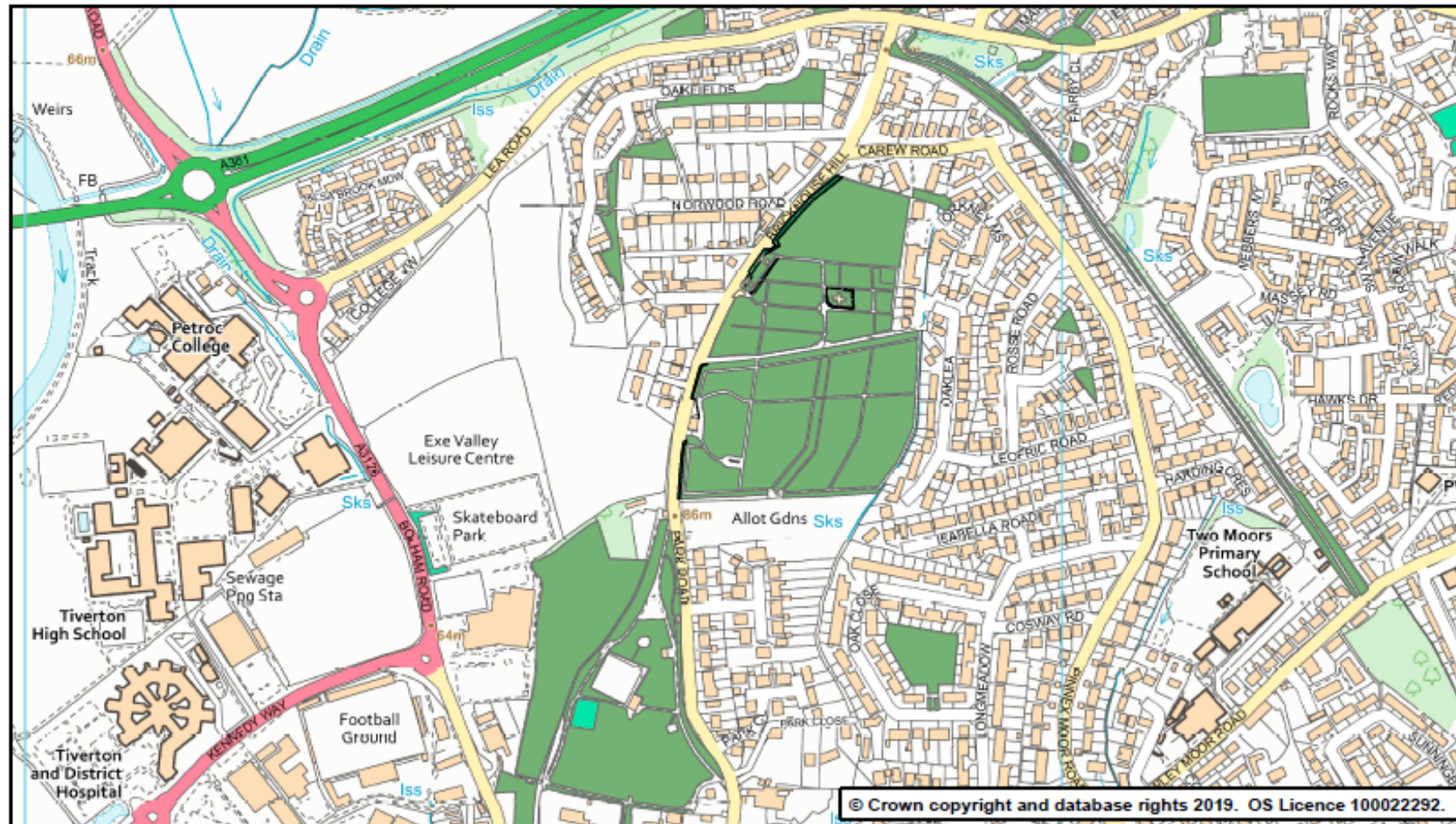
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Site Tiverton Cemetery	Location .
Scale: 1:4,974 @ A4	Date: 11 December 2019
Drg. No: <Double-click to enter>	Produced by: <Double-click to enter>

Customer Services, Estates Management
Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255
Website: www.middevon.gov.uk



Schedule C

<u>Name of Ground</u>	<u>Location of Ground</u>
Enclosed Play Area (hatched black/white on Plan No.1)	Amory Park, Tiverton
Sports Pitches (hatched black/white on Plan No.1a)	Amory Park, Tiverton
Enclosed Play Area (hatched black/white on Plan No.2)	Ash Drive, Culmpton
Enclosed Play Area (hatched black/white on Plan No.3)	Ashley Rise, Tiverton
Enclosed Play Area (hatched black/white on Plan No.4)	Bockland Close, Culmpton
Enclosed Pay Area (hatched black/white on Plan No.5)	Ellerhayes
Enclosed Play Area (hatched black/white on Plan No.6)	Greenway, Crediton
Enclosed Play Area (hatched black/white on Plan No.7)	Headweir, Culmpton
Enclosed Play Area (hatched black/white on Plan No.8)	Halsbury Road, Tiverton
Enclosed Play Area (hatched black/white on Plan No.9)	Hobbs Way, Bow
Enclosed Play Area (hatched black/white on Plan No.10)	Holcombe Rogus

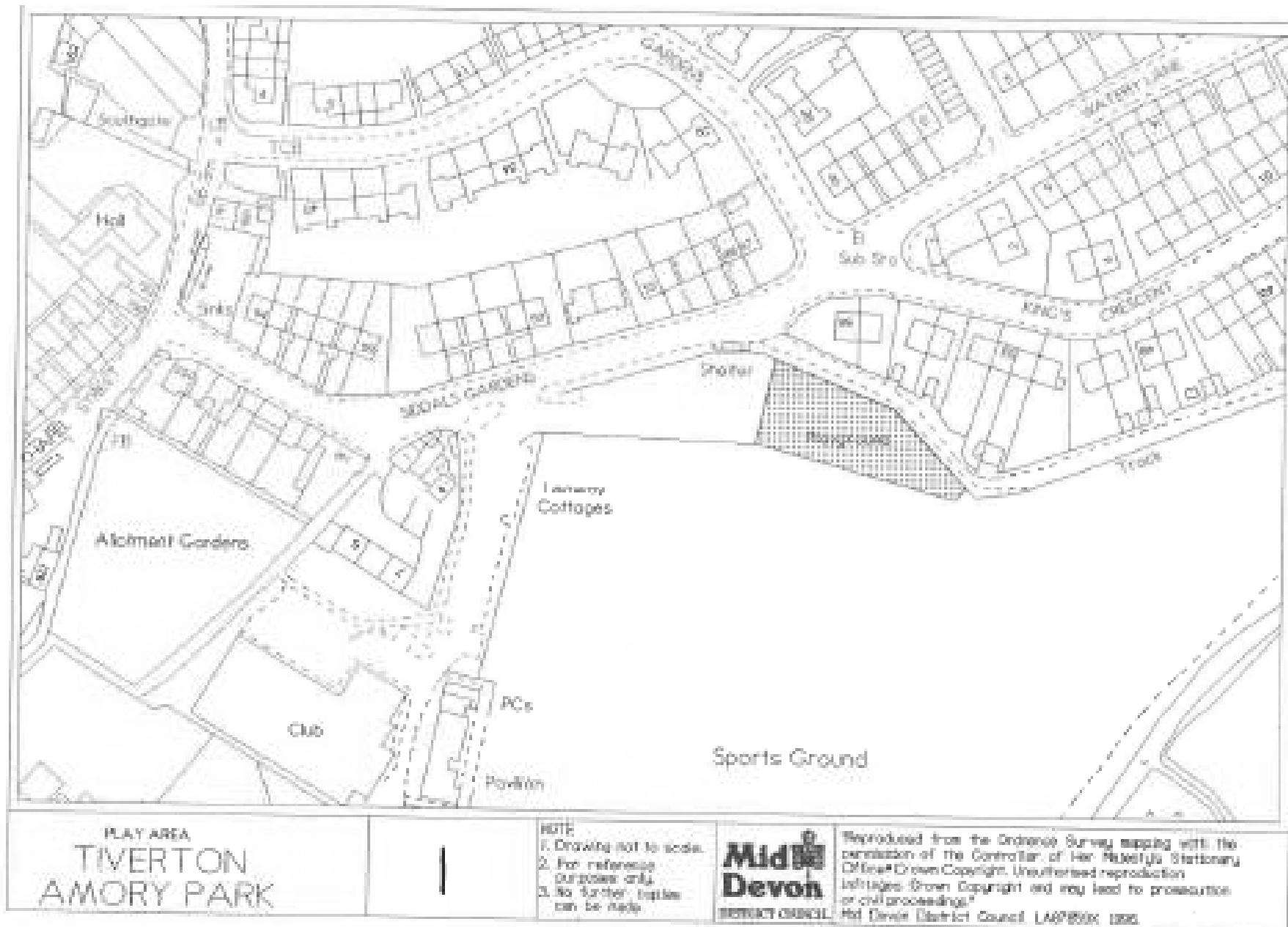
The dogs on leads areas referred to in Byelaw 1(2) are:-

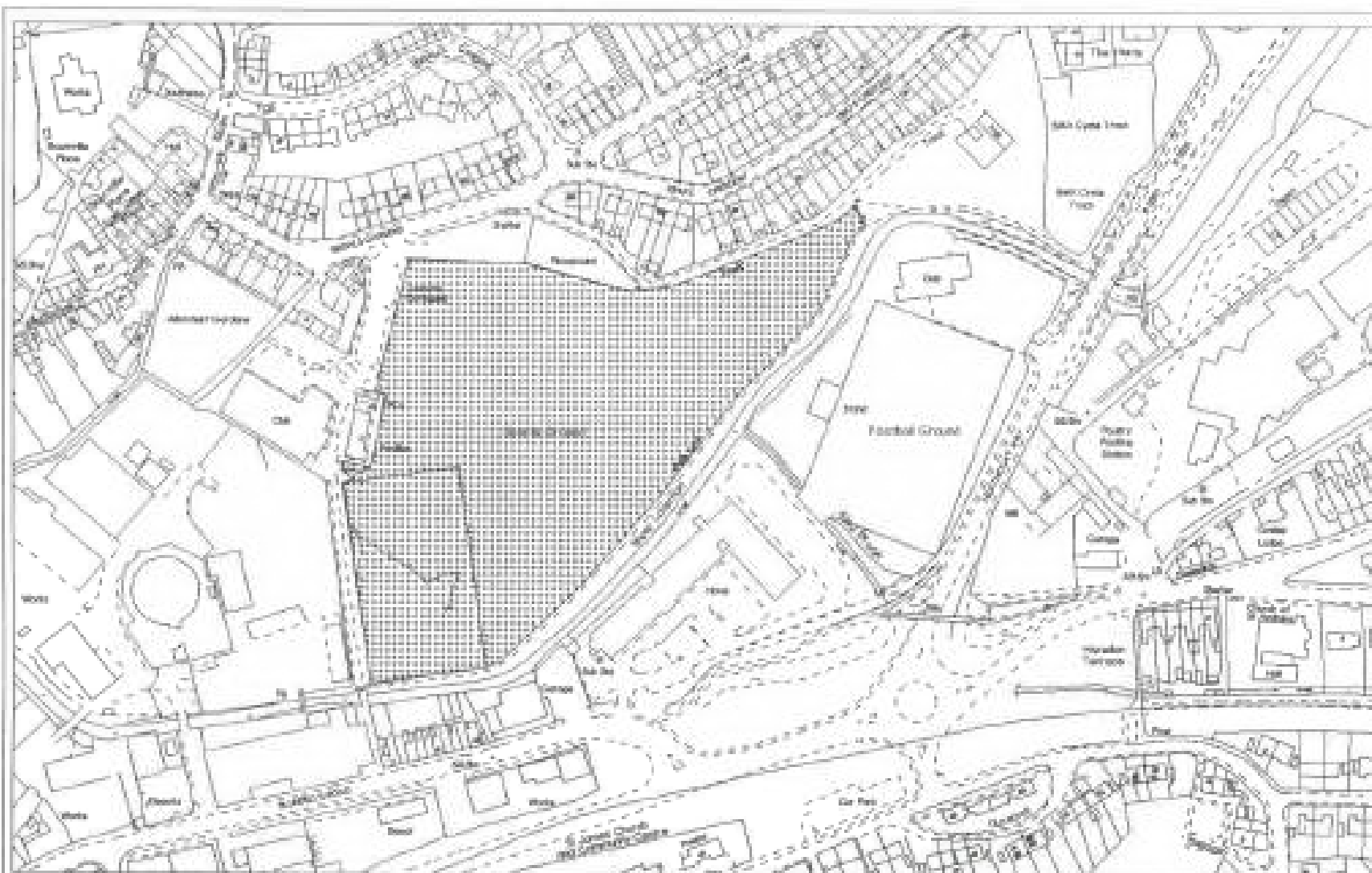
<u>Name of Ground</u>	<u>Location of Ground</u>
Partially Enclosed Park (hatched black/white on Plan No.1b - excluding enclosed Play Area and Sports pitches)	Amory Park, Tiverton
Enclosed Park (hatched black/white on Plan No.14a - excluding enclosed Play Area)	Newcombes Meadow Park, Crediton
Enclosed Park (hatched black/white on Plan No.15a - excluding enclosed Play Area)	Peoples Park, Tiverton
Partially Enclosed Park (hatched black/white on Plan No.31a - excluding enclosed Play Area)	Westex Recreation Ground, Tiverton
Playing Field (hatched black/white on Plan No.33a - excluding enclosed Play Area)	Wilcombe, Tiverton

Schedule D

Enclosed Play Area (hatched black/white on Plan No.11)	Junction Road, Bow	Enclosed Play Area (hatched black/white on Plan No.27)	Tuckers Meadow, Crediton
Enclosed Play Area (hatched black/white on Plan No.12)	Kentisbeare	Enclosed Play Area (hatched black/white on Plan No.28)	Tuffy Park, Culiompton
Enclosed Play Area (hatched black/white on Plan No.13)	Lords Meadow, Crediton	Enclosed Play Area (hatched black/white on Plan No.29)	Walnut Drive, Crediton
Sports Pitches (hatched black/white on Plan No.13a)	Lords Meadow, Crediton	Enclosed Play Area (hatched black/white on Plan No.30)	Wembworthy
Enclosed Play Area (hatched black/white on Plan No.14)	Newcombes Meadow, Crediton	Enclosed Play Area (hatched black/white on Plan No.31)	Westaxe Recreation Ground, Tiverton
Enclosed Play Area (hatched black/white on Plan No.15)	Peoples Park, Tiverton	Enclosed Play Area (hatched black/white on Plan No.32)	Westleigh
Enclosed Play Area (hatched black/white on Plan No.16)	Pippins Field, Uffculme	Enclosed Play Area (hatched black/white on Plan No.33)	Wilcombe, Tiverton
Enclosed Play Area (hatched black/white on Plan No.17)	Ploudall Road, Culiompton	Enclosed Play Area (hatched black/white on Plan No.34)	Yacford
Enclosed Play Area (hatched black/white on Plan No.18)	Off South View Close, Willand		
Enclosed Play Area (hatched black/white on Plan No.19)	Off Priory Road, Tiverton		
Enclosed Play Area (hatched black/white on Plan No.20)	Puddington		
Enclosed Play Area (hatched black/white on Plan No.21)	Queensway, Tiverton		
Enclosed Play Area (hatched black/white on Plan No.22)	Shillingford		
Enclosed Play Area (hatched black/white on Plan No.23)	Spruce Park, Crediton		
Enclosed Play Area (hatched black/white on Plan No.24)	Stoneyford, Culiompton		
Enclosed Play Area (hatched black/white on Plan No.25)	Townlands, Bradninch		
Enclosed Play Area (hatched black/white on Plan No.26)	Trickey Close, Tiverton		

Maps for Schedule C and D





TIVERTON
AMORY PARK

1a

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PLAY AREA
CULMPTON
ASH DRIVE

2

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PLAY AREA
TIVERTON
ASHLEY RISE

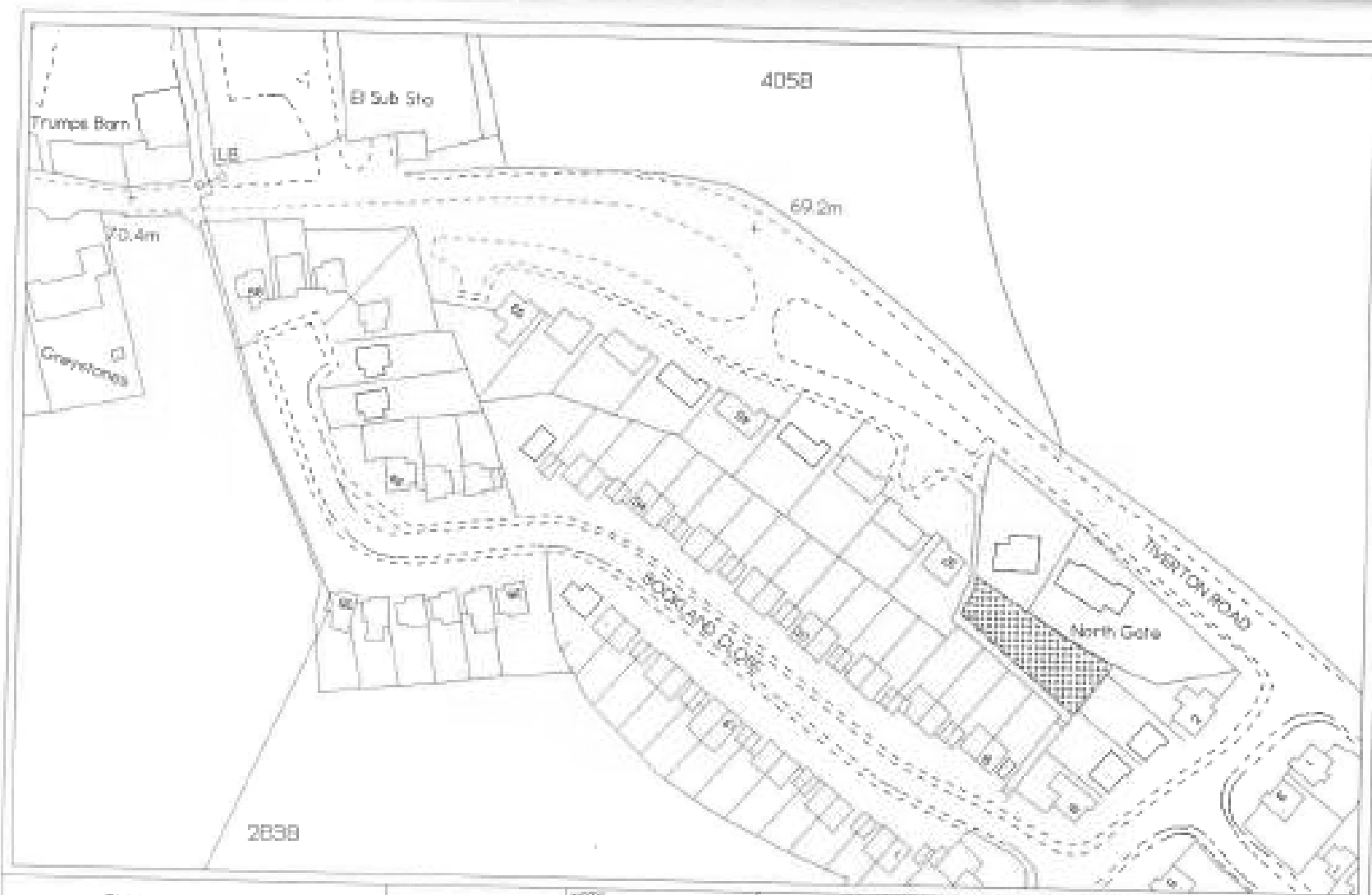
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PLAY AREA
CULLOMPTON
BOCKLAND CLOSE

4

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PLAY AREA
ELLERHAYES

5

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PLAY AREA
CREDITON
GREENWAY

6

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PLAY AREA
ULLOMPTON
ADWEIR ROAD

7

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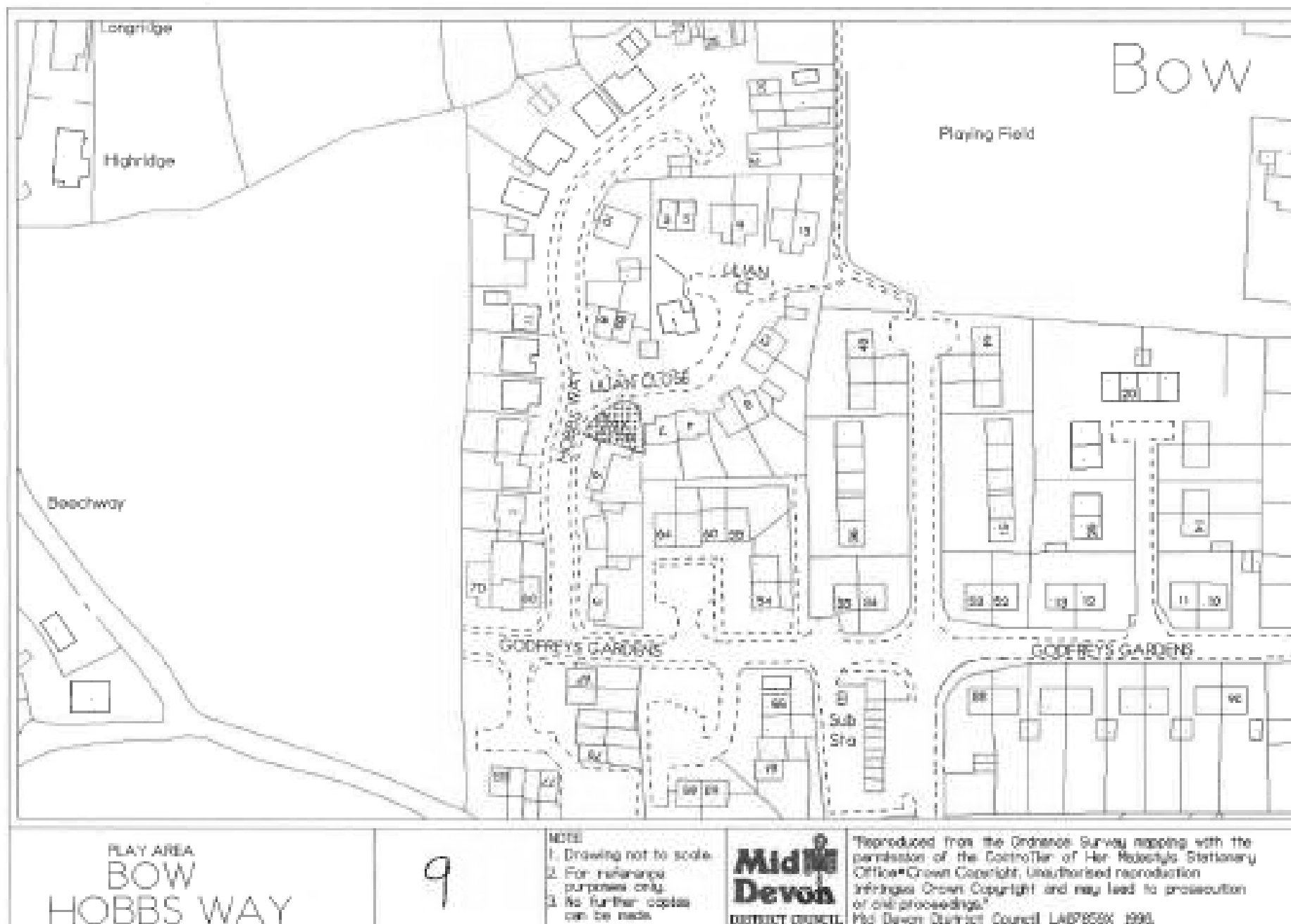
PLAY AREA
TIVERTON
HALSBURY ROAD

8

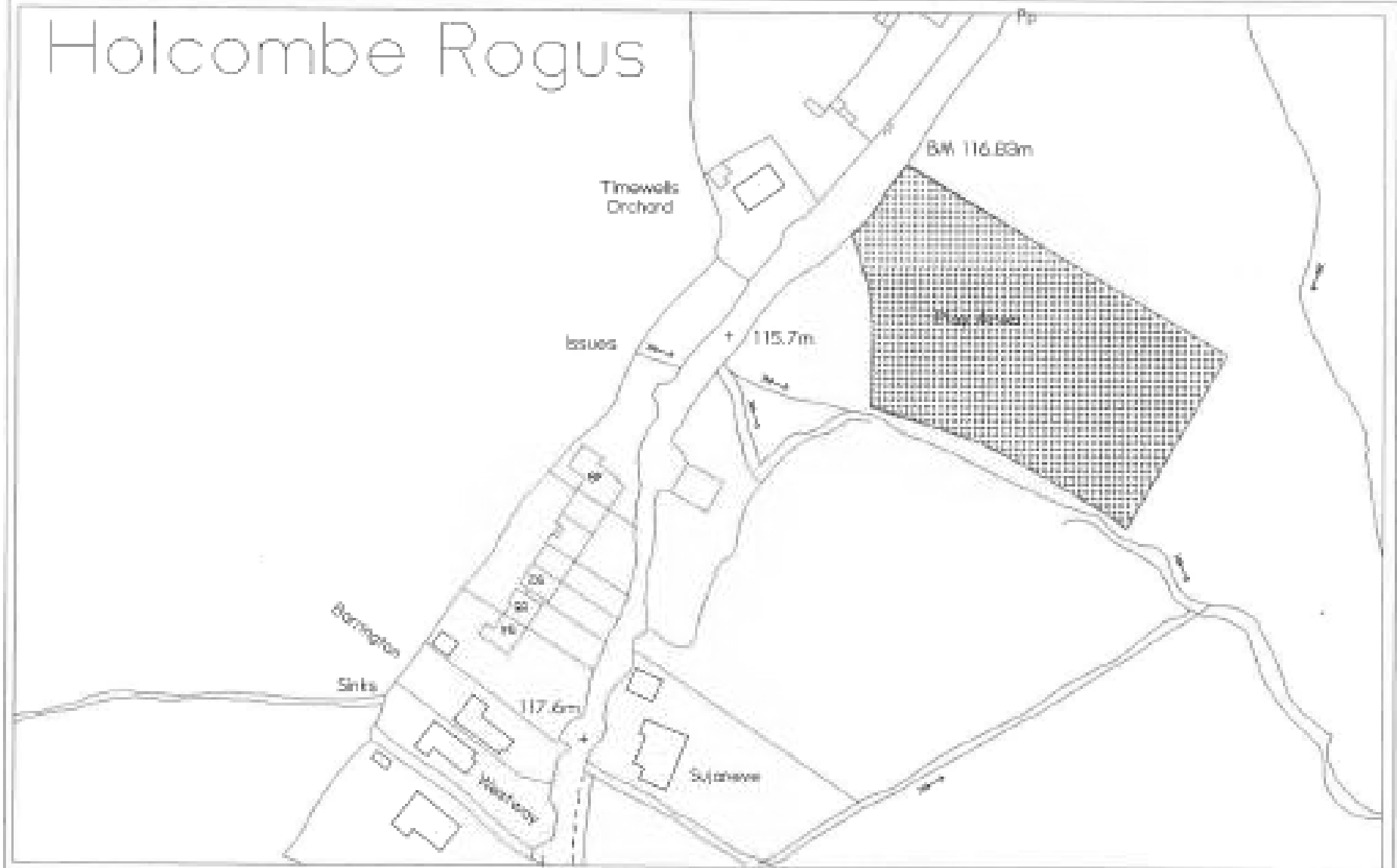
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Holcombe Rogus



PLAY AREA

HOLCOMBE ROGUS

10

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PLAY AREA
BOW
JUNCTION ROAD

11

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PLAY AREA
KENTISBEARE

12

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PLAY AREA
CREDITON
LORDS MEADOW

13

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CREDITON
LORDS MEADOW

13a

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PLAY AREA
TIVERTON
PEOPLES PARK

15

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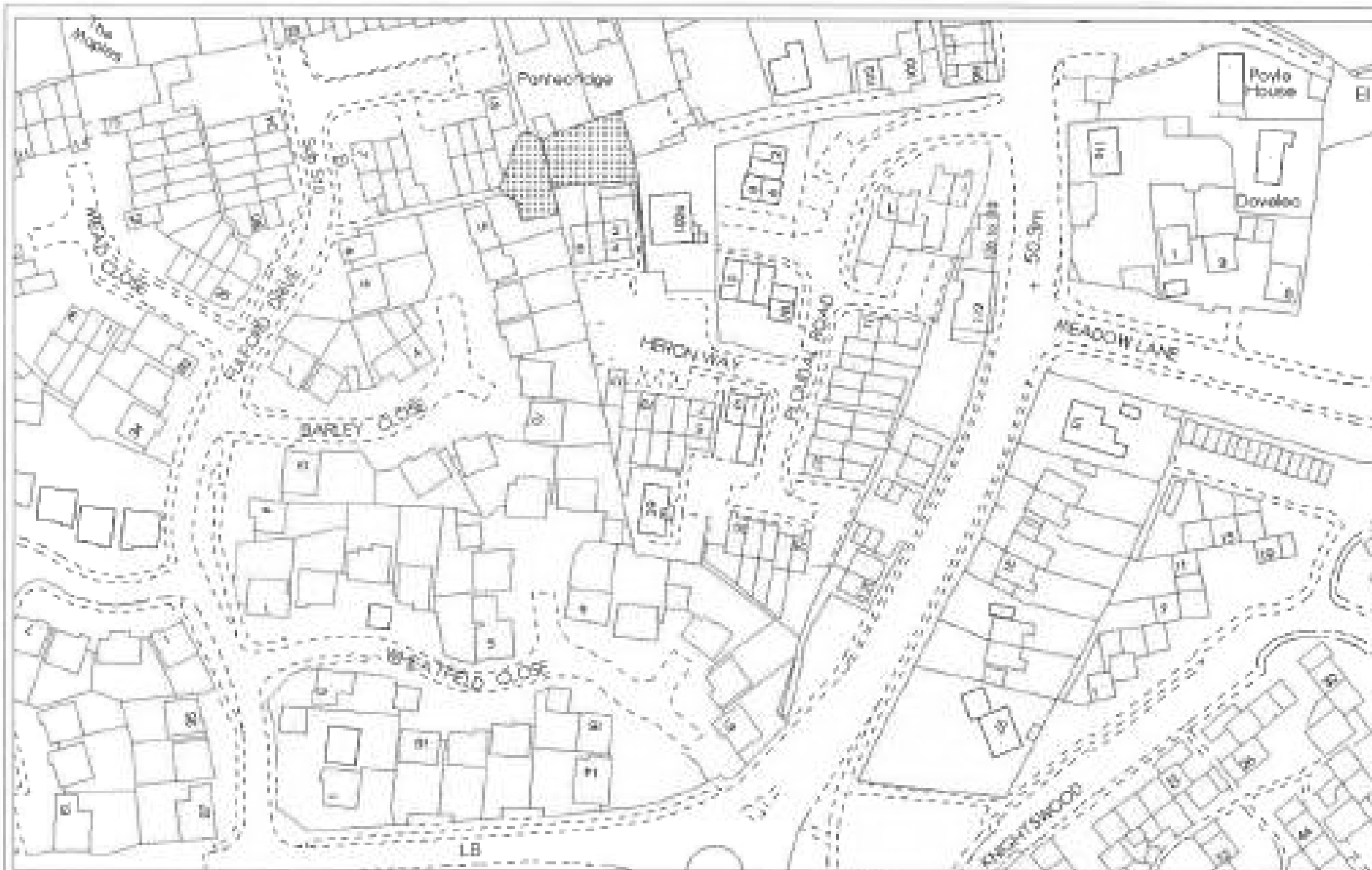
PLAY AREA
UFFCULME
PIPPINS FIELD

16

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PLAY AREA
CULLOMPTON
PLOUDAL ROAD

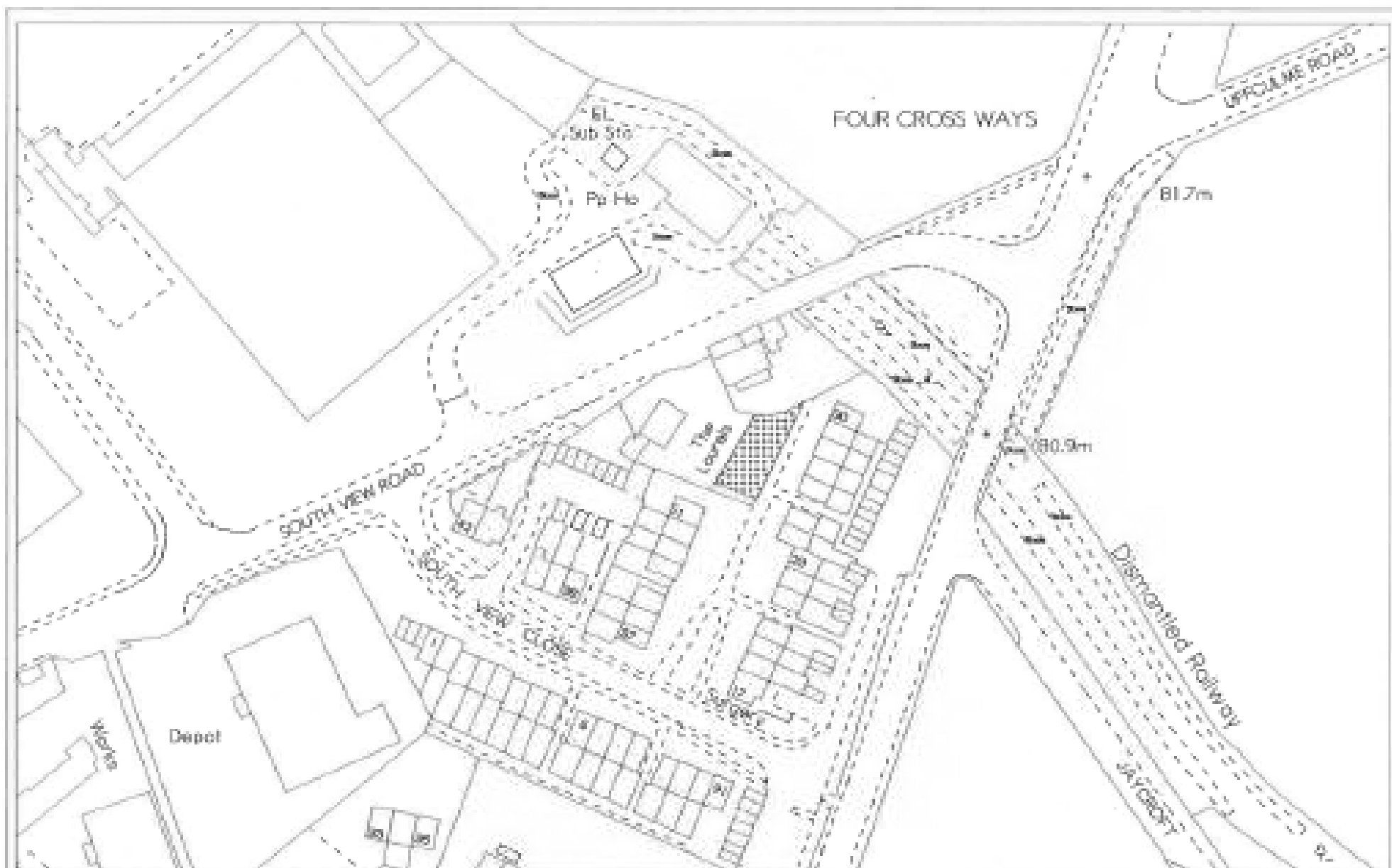
17

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PLAY AREA
WILLAND
SOUTH VIEW

18

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PLAY AREA
TIVERTON
LOWMAN PRIORY

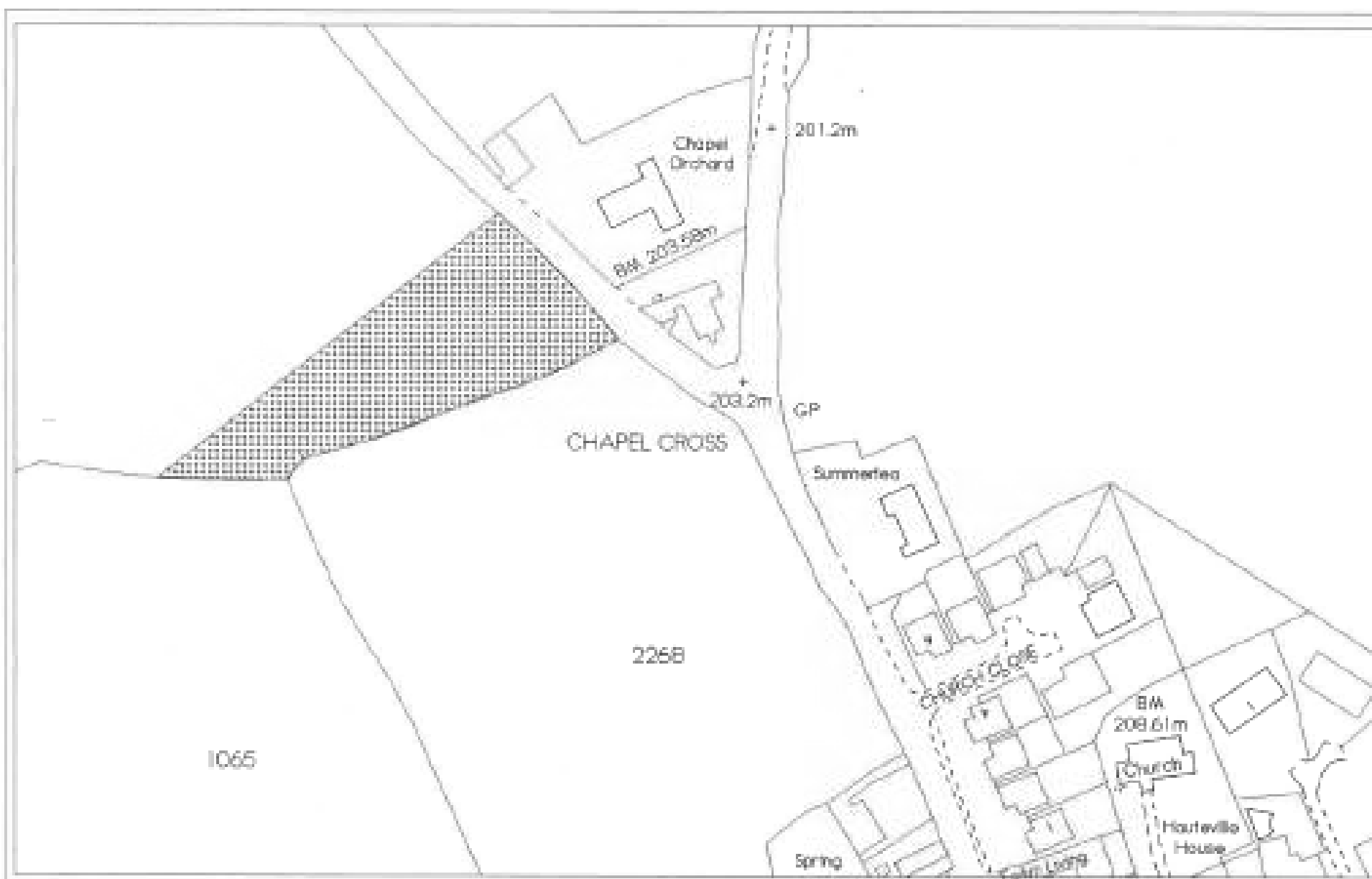
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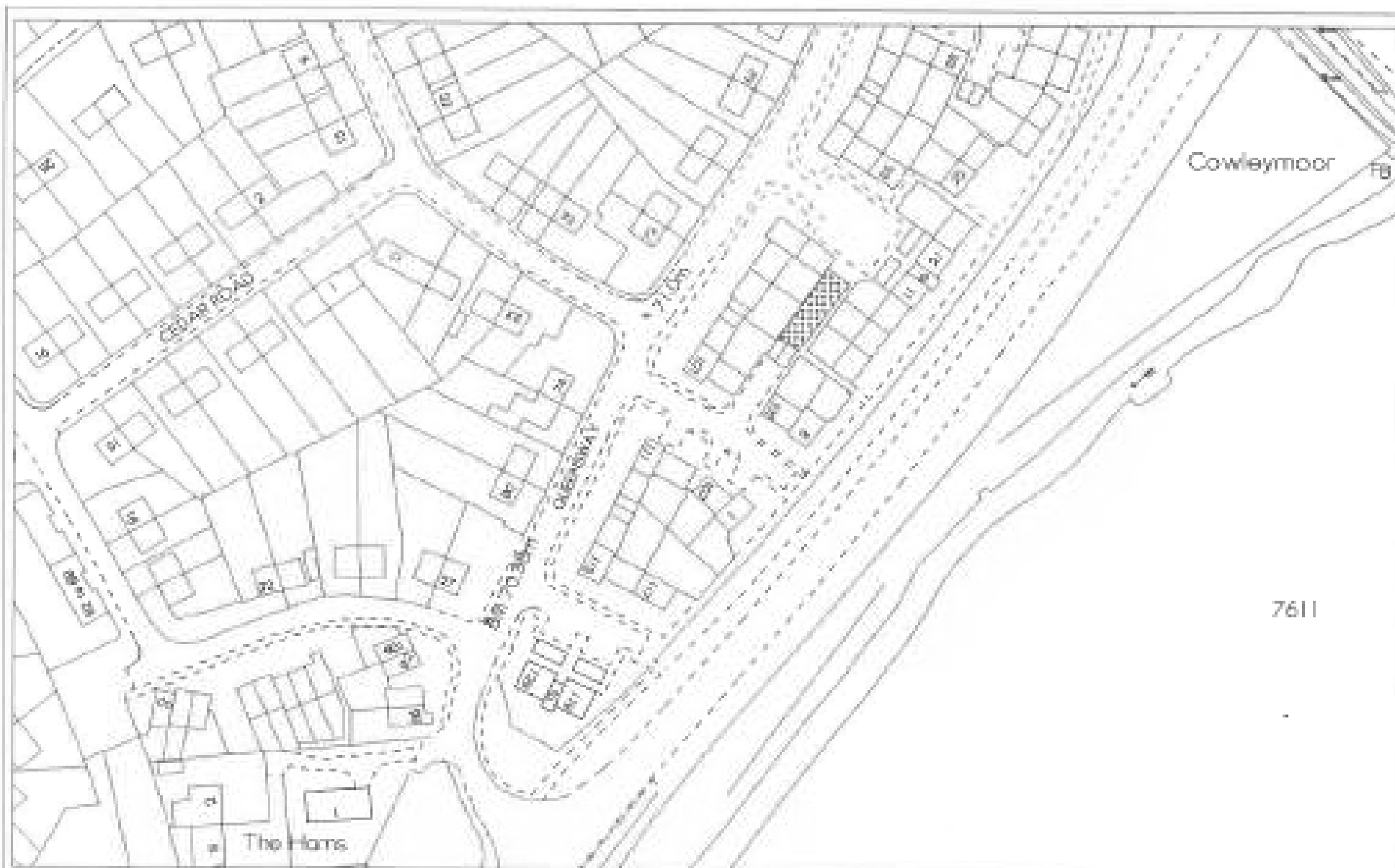
PLAY AREA
PUDDINGTON

20

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PLAY AREA
TIVERTON
QUEENSWAY

21

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PLAY AREA

SHILLINGFORD

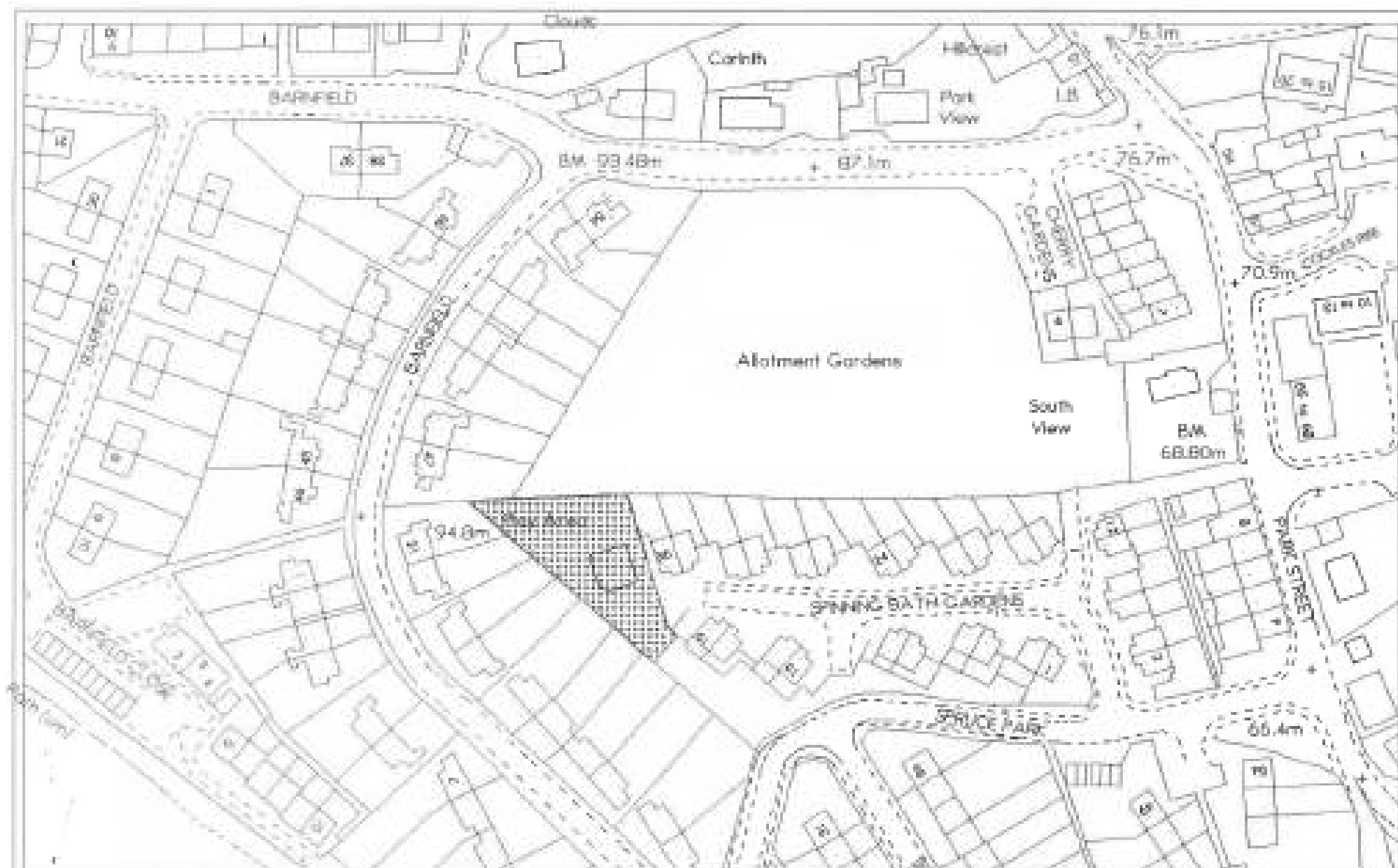
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PLAY AREA
CREDITON
SPRUCE PARK

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PLAY AREA
CULLOPTON
STONEYFORD

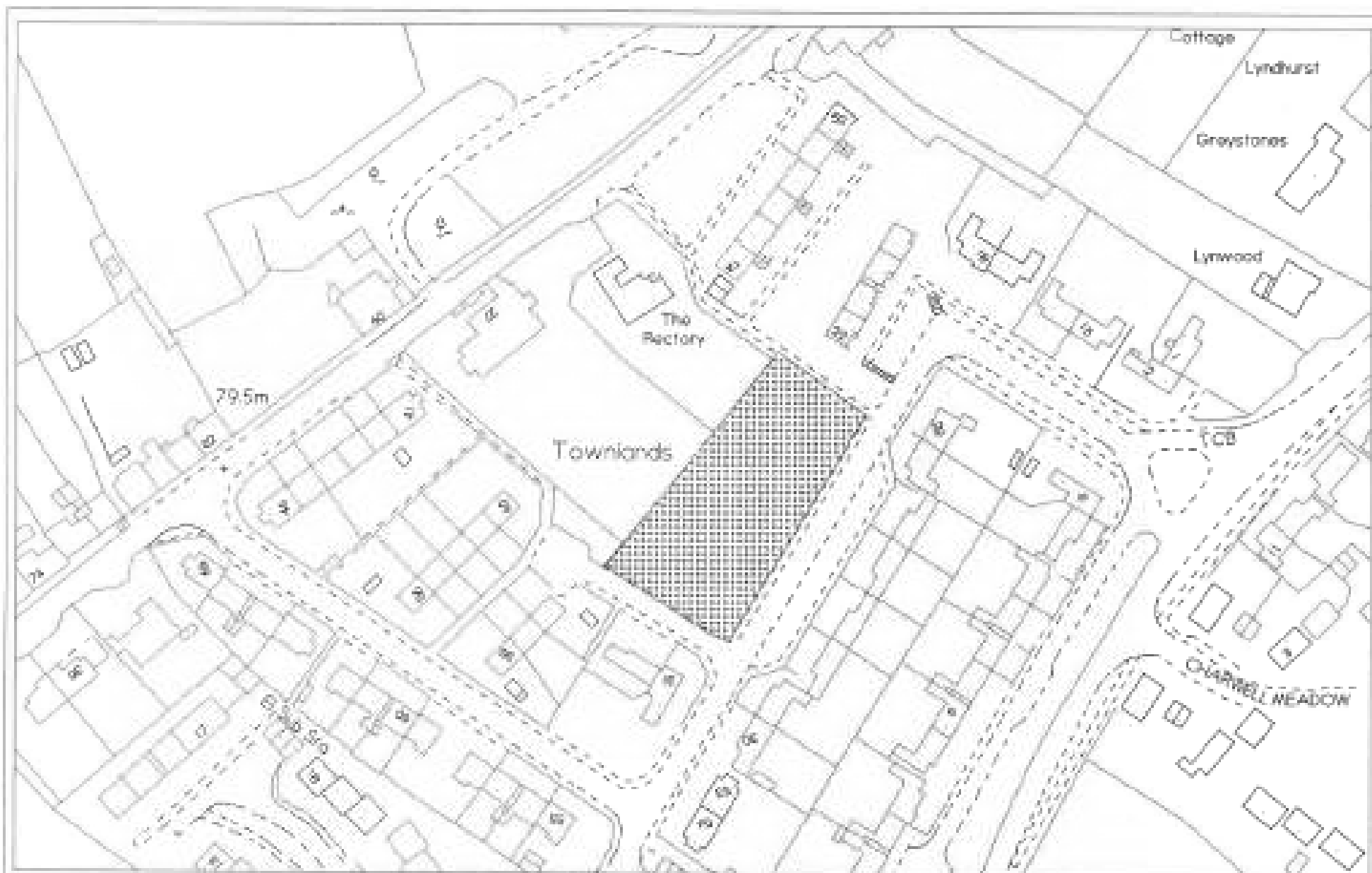
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PLAY AREA
BRADNINCH
TOWNLANDS

25

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PLAY AREA
TIVERTON
TRICKEY CLOSE

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PLAY AREA
CREDITON
TUCKERS MEADOW

27

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PLAY AREA
CULLOMPTON
TUFTY PARK

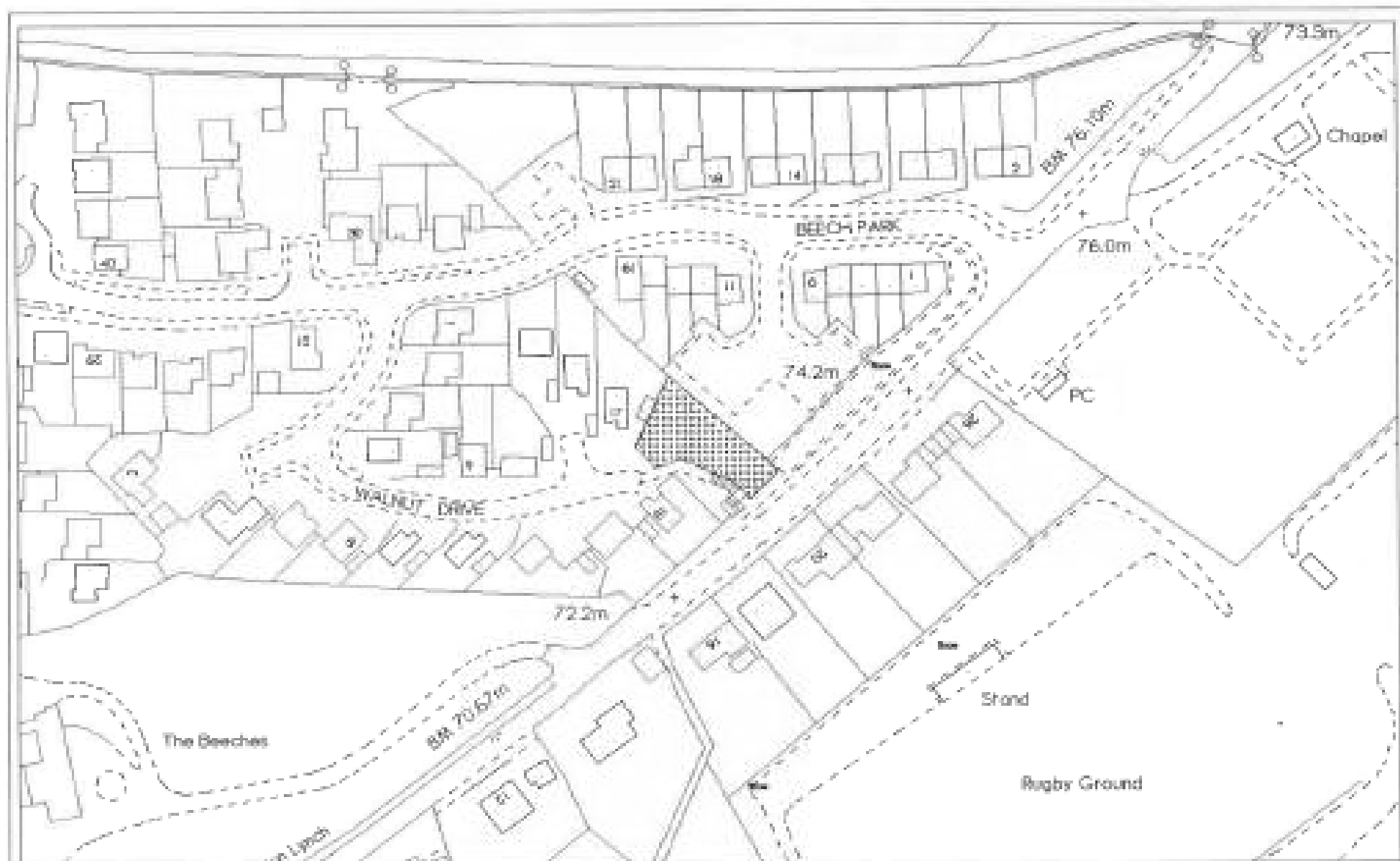
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PLAY AREA
CREDITON
WALNUT DRIVE

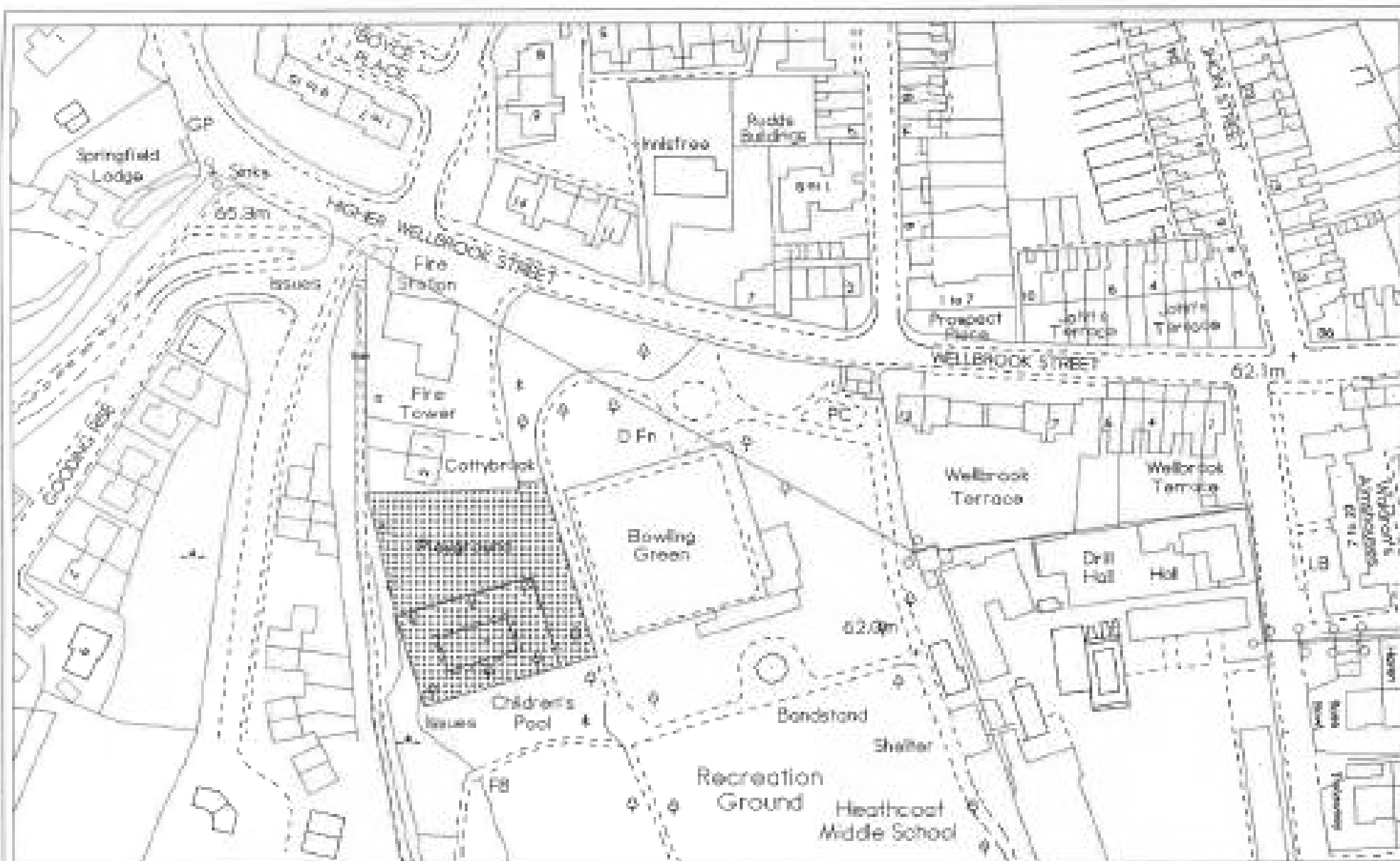
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PLAY AREA
TIVERTON
WESTEXE REC

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PLAY AREA

WESTLEIGH

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PLAY AREA
TIVERTON
WILCOMBE

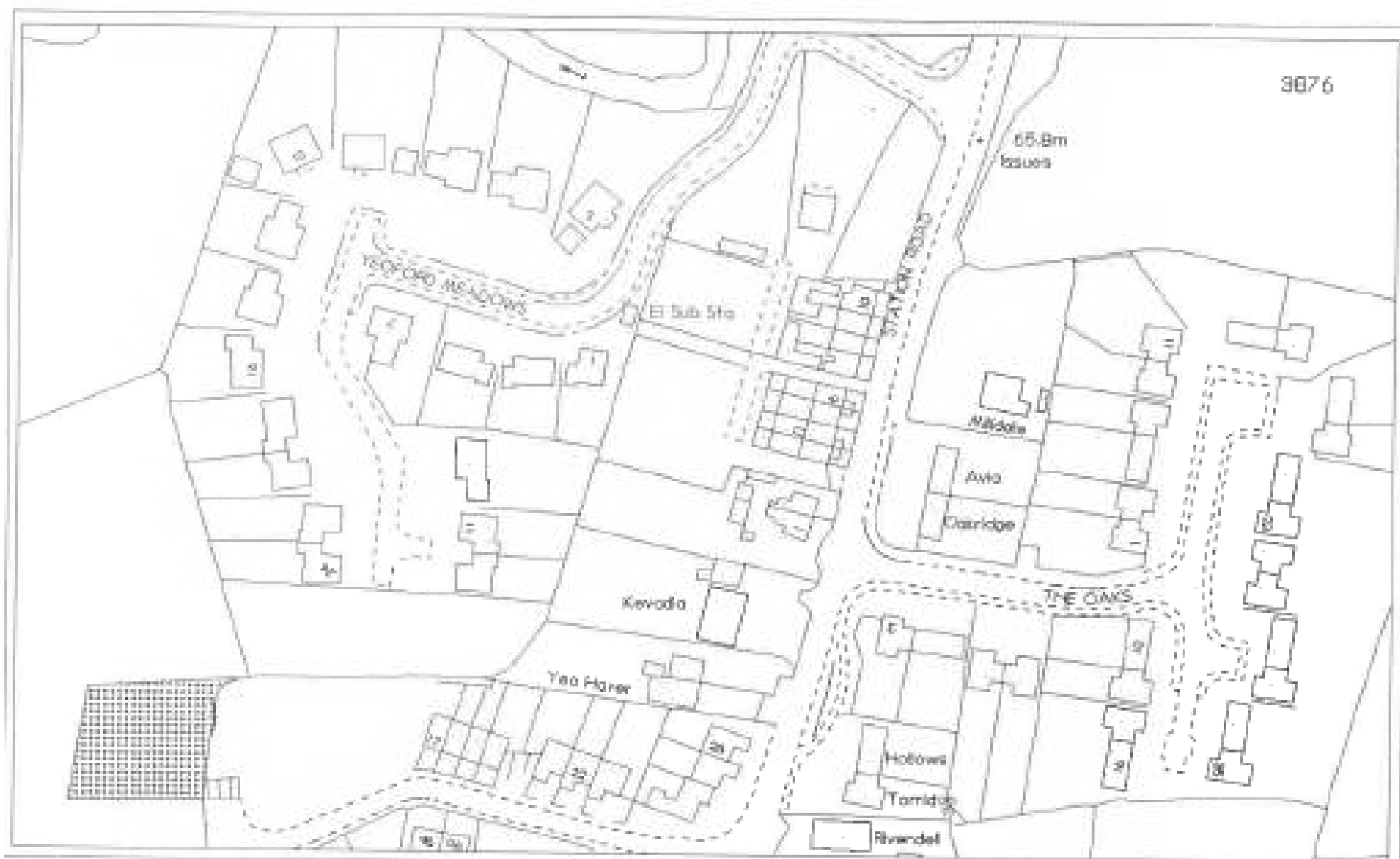
33

NOTE

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DISTRICT COUNCIL

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PLAY AREA

YEOFORD

34

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TIVERTON AMORY PARK

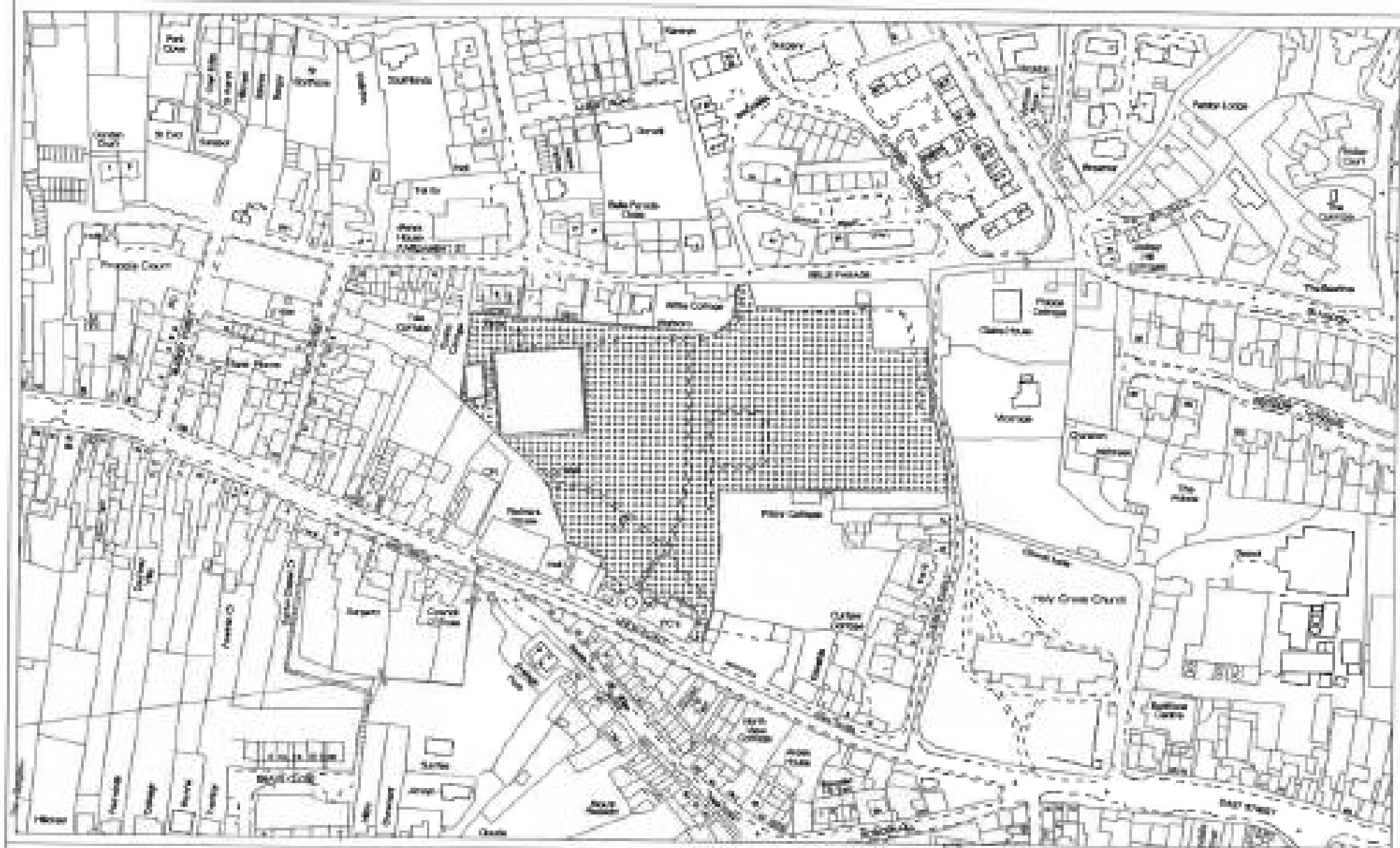
16

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CREDITON
NEWCOMBES MEADOW

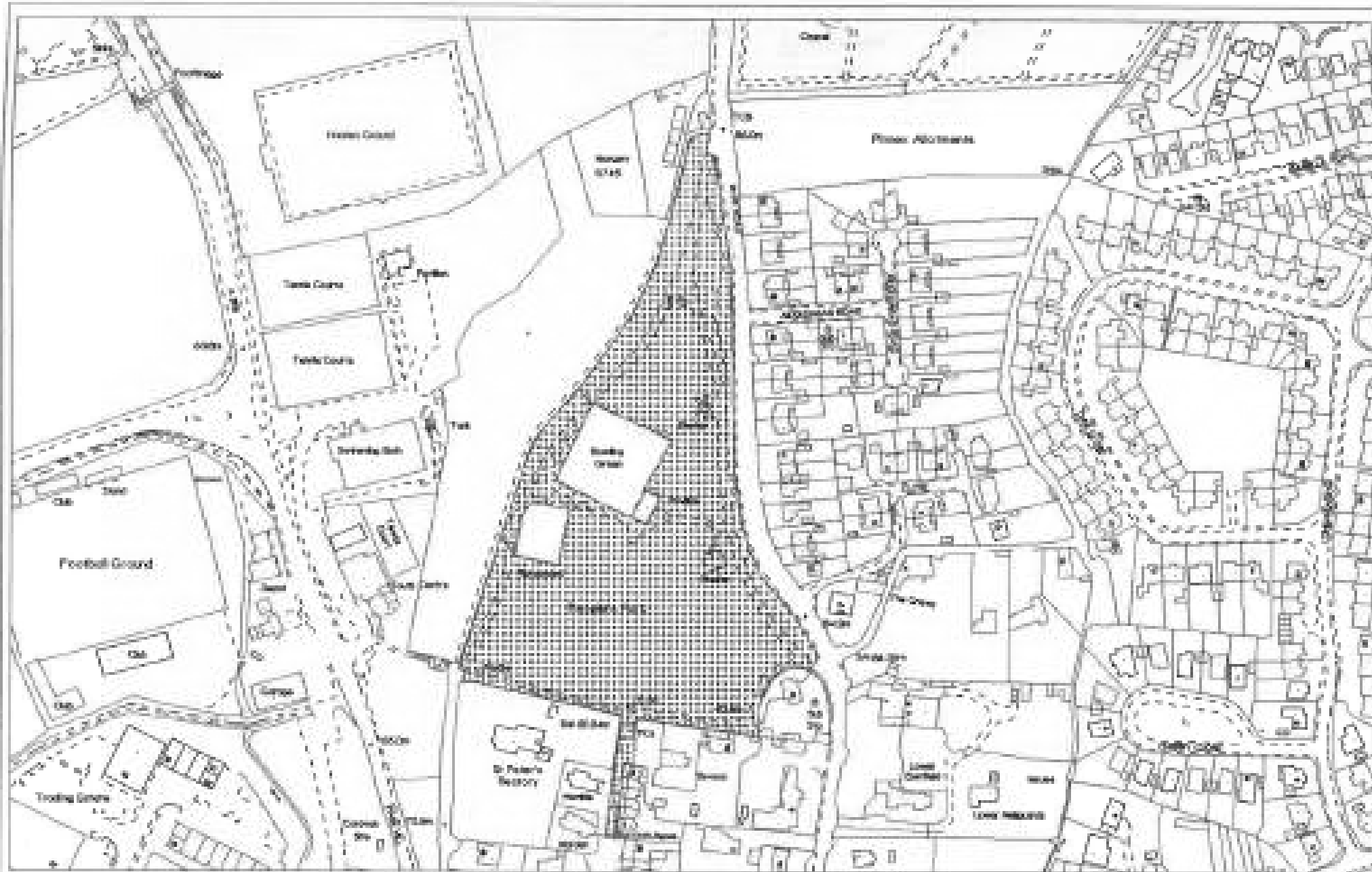
14a

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TIVERTON
PEOPLES PARK

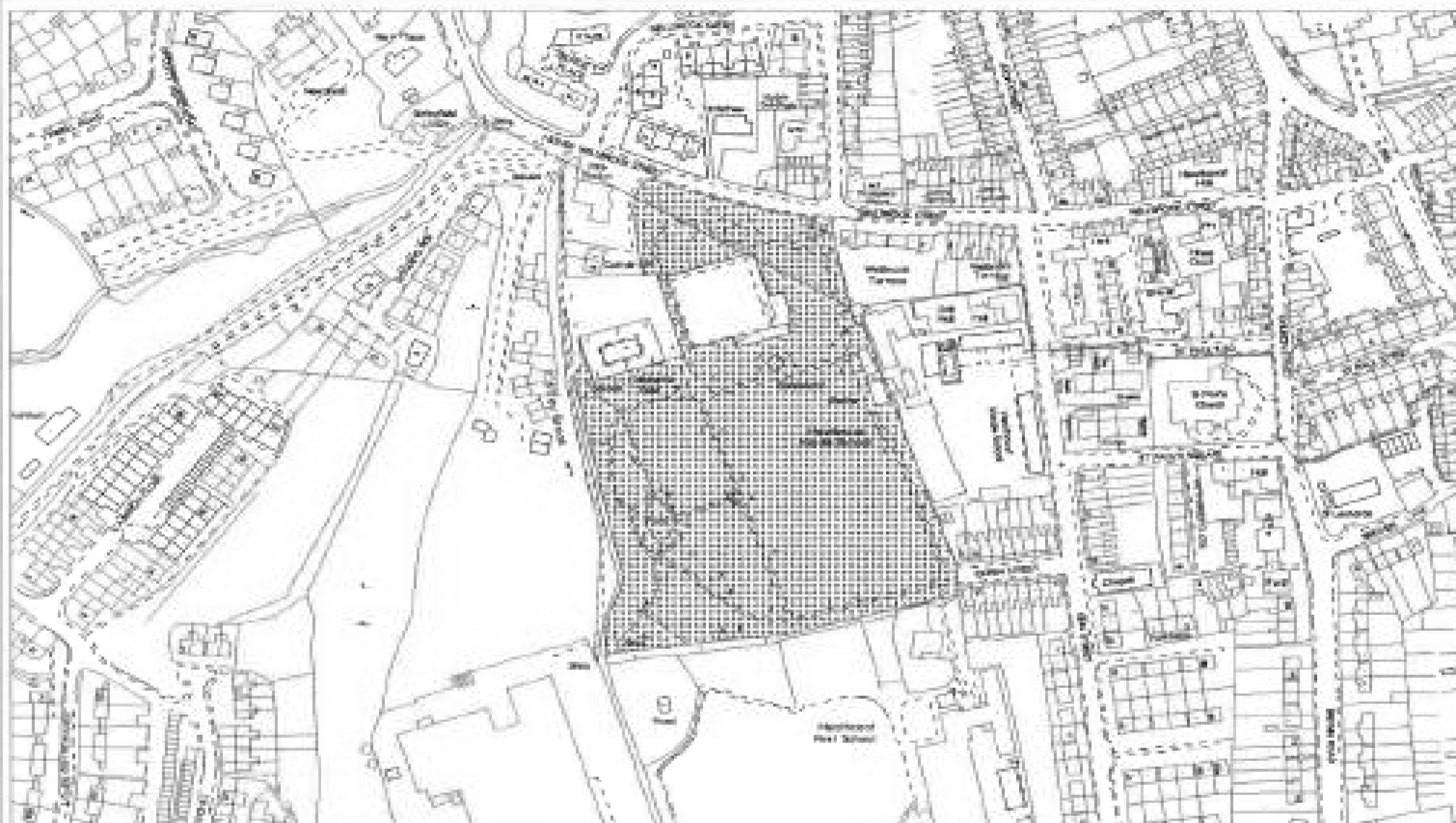
15 a

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TIVERTON
WESTEXE REC

31a

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