

BRIGHTON & HOVE CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT
2014
BRIGHTON & HOVE CITY COUNCIL (The Fouling of Land
by Dogs) PUBLIC SPACES PROTECTION ORDER 2023

Brighton & Hove City Council (“the Council”) is satisfied that the requirements of Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been fulfilled and that it is, in all the circumstances, appropriate to make this Order.

1. This Order shall come into operation on XX October 2023 and shall have effect until XX October 2026 unless extended before that date under the Council's statutory powers.
2. This Order applies to the land specified in Schedule 1.

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 1, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless:-

:-

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) Nothing in this article applies 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 2933358) and upon which they rely for assistance; or
- (c) has a disability which affects their mobility, manual dexterity, physical co-ordination, 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.

(3) For the purposes of this article:-

- (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 the time some other person is in charge of the dog;
- (b) 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)

Penalty

4. A person who is guilty of an offence under Article 3 shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Validity of Order

5. The Council is satisfied on reasonable grounds that the activity specified by this Order (“the Offence”) having been carried on or being likely to be carried on in those Public Spaces as identified in Schedule 1 have or will have a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.

5. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or to include particular prohibitions or requirements imposed by the Order, or that any requirement of the Act has not been complied with in relation to this Order, they may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of October 2023

The Common Seal of Brighton & Hove City Council was affixed to this Order in the presence of

.....
Authorised Officer

SCHEDULE 1

Description of land, or lands, to which the Order applies

All those areas situated within the City of Brighton & Hove as described for the purposes of identification below, being land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order, land which is covered is to be treated as “open to the air” if it is open on at least one side.

1. Children’s Play Areas, at any time

All children’s play areas in the City of Brighton & Hove enclosed by fencing and containing play equipment.

2. Cemeteries, at any time

a. The following cemeteries subject to the exception set out in paragraph 2.b below:-

- Borough Cemetery (Woodvale), Lewes Road
- Extra Mural Cemetery, Lewes Road

- Borough Cemetery, Bear Road
 - Jewish Cemetery, Bear Road
 - Meadowview and Lawn Memorial Cemetery, Warren Road
 - Hove Cemetery, North and South, Old Shoreham Road
 - Portslade Cemetery, Victoria Road
- b. The Order does not apply to persons attending a funeral or remembrance service or visiting a grave or to persons residing in the premises of the cemeteries specified at 2.a above. In these circumstances dogs must be kept on a lead at all times.

3. Gardens and Parks, at any time

The enclosed gardens of the following city centre squares:-

- Brunswick Square
- Norfolk Square
- Russell Square
- Bedford Square
- Clarence Square
- Powis Square
- Pelham Square
- Regency Square (North End)
- New Steine Square

The following parks and gardens:-

- Steine Memorial Gardens
- Kipling Gardens, Rottingdean
- The Rockery Gardens, Preston Road
- William Clarke Park, Picton Street
- Saunders Park (excluding the fenced dog area to the south-west corner of the park), Lewes Road

4. Beaches

The beaches (including the foreshore) between the months of May to September inclusive with the exception of the following beaches (showing a “dog friendly” sign):-

- The beach between Longridge Avenue and the border
- Beaches between Chailey Avenue and Arundel Drive West, Rottingdean
- Beaches between West Marina Wall to Rottingdean slope
- Beaches between the west wall of Brighton Marina and up to the Volks railway station opposite New Steine
- The beach in front and to the east of the Meeting Place Café, up to the large groyne with the life ring on
- The beach to the east of the Lawns Café, at the bottom of St John’s Road, Hove promenade
- The beach in front of the King Alfred car park
- The beach to the east of Hove Lagoon

5. Areas of Queens Park, at any time

The Southern Lawns of Queens Park (containing the lake), the tennis courts, the Quiet Garden, the Wild Garden, the cascade area and bowling green.