

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Orders- Dog Exclusion

Fearns Park, Cromer- Order: NNDC024

North Norfolk District Council 2022

North Norfolk District Council (“the Council”) hereby makes the following Order:

This Order is made by the Council in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). The Council is satisfied that the activities, namely:

- The presence of dogs

Being carried out within Fearns Park, Cromer, (“the public space”) is likely to have a detrimental effect and that such activities may be of a persistent or continuing nature and the restrictions imposed by this notice are justified.

1. Duration of the Order

This Order comes into force on 21st June 2022 for a period of three years, unless extended by further orders under the council’s statutory powers.

2. The Restricted Area

This Order relates to the area known as Fearns Park, Cromer, defined in red on the plan in Schedule 1 of this Order, (“the Restricted Area”). This Order relates to all public/private land open to the air to which the public have access with or without payment (Restricted Area shown in Schedule 1 is defined by the red border and hatching including the highway and highway boundary which the red border runs through).

3. The Restrictions

A person in control of a dog shall not at any time take a dog onto, or permit the dog to enter or remain on, any land detailed in Schedule 1 of this Order being land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission. This restriction is subject to exemptions stated in Article 4.

4. Exemptions

The restrictions defined in Article 3 of this Order shall not apply to a person who is:

- (a) 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)” or a registered charity to that purpose and upon which they rely for assistance; or
- (c) has a disability that affects their 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 they rely for assistance.

5. Definitions

- (a) A person who habitually has a dog in their possession shall be considered in control of the dog at any time unless at that time another person is control of the dog.

6. Offence

Contrary to section 67 of the Act, it is an offence for a person, without reasonable excuse, to do anything that the person is prohibited from doing by this Order or fails to comply with a requirement Order. A person guilty of an offence is liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Pursuant to section 68 of the Act, a Constable or authorised person, may issue a fixed penalty notice to anyone he or she has reason to believe has committed the offence specified above. This gives the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

7. Right to Appeal

Any interested person wishing to challenge the validity of this Order must do so within 6 weeks beginning with the date on which this Order is made or, if applicable, varied. An application under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 is to the High Court.