

Notice is hereby given that South Tyneside Council in its exercise under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (“the Act”) and all other enabling powers proposes to make the following Order:

South Tyneside Council

Public Spaces Protection Order

Control of Dogs in Public Places

Number 1 of 2020

The Order shall come into operation on 5th November 2020 and shall have effect for a period of three years thereafter, unless extended by further orders under South Tyneside Council’s (hereafter “the Council”) statutory power.

The order relates to the area outlined in black on the attached plan and for the purposes of this Order the ‘Restricted Areas’ includes the public land within the borough of South Tyneside. The term ‘public land’ for the purposes of this Order means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The Council is satisfied that the following acts carried on, or likely to be carried on, in the Restricted Area have had, or will have, a detrimental effect on the quality of life of those in the locality.

The effect of the Order is to ensure dog owners clean up after their dogs, require dogs on leads in certain areas and when directed to do so, and to restrict the places where dogs are permitted to be.

1. Dog Fouling

If a dog defecates at any time on land within the Restricted Area outlined in black (the whole of the borough of South Tyneside) on the attached plan, a person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

2. Dogs on Leads

Whilst in the Restricted Area signed at its entrance(s) or otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect), that is all cemeteries within the borough of South Tyneside and South Marine Park South Shields, a person in charge of a dog is required to keep that dog on a lead of not more than 1.5 metres in length, unless-

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

3. Restricted Areas – Dog Exclusion

A person in charge of a dog is required to prevent the dog from entering the restricted areas, which are the Children's play areas, School playing fields and Sandhaven Beach (time restrictions) unless-

- (a) he has a 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 doing so.

In respect of Sandhaven Beach, the restriction applies only between 8.00am and 6.00pm from the 1st May to 30th September each year

Nothing in paragraphs 1 (removal of faeces) or 3 (dog exclusion areas) applies to person who-

- (a) is registered as a blind person in the register compiled under section 29 of the National Assistance Act 1948; or
- (b) 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;

- (c) and a “prescribed charity” shall mean Assistance Dogs (registered charity number 1119538), or any of its member organisations which are also registered charities.

4. Dogs on Leads by Direction

A person in charge of a dog is required when directed to do so by an Authorised Officer to put and keep a dog on a lead of not more than 1.5 metres in length, unless-

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

An authorised officer of the Authority may only give a direction under this Order 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 annoyance or disturbance to any other person [on any land to which the Order applies] or the worrying or disturbance of any animal or bird.

5. Maximum Amount of Dogs allowed in Public Places Restriction

No person responsible for a dog or dogs shall take more than 4 dogs at any one time onto land open to the public, within the boundary of the area marked black on the attached map, unless –

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

6. For the purposes of this Order 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 that time some other person is in charge of dog.
7. The Council is satisfied that the conditions set out in Section 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make

this Order to reduce the detrimental effect or to reduce the risk of crime and anti-social behaviour and its continuance, occurrence or reoccurrence in the Restricted Areas, which has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is persistence or continuing nature such as to make this unreasonable and justifies the restrictions imposed by this Order.

8. A person who fails without reasonable excuse to comply with a requirement imposed on him or her commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9. A constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under s67 of the Anti-social behaviour Crime and Policing Act 2014. An "authorised person" means a person authorised for the purposes of section 63 of the Act by the Council.

10. 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 that any requirement of the Act has not been complied with in relation to the Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated this 5th day of November 2020

The Common Seal of the Council)
Of the Borough of South Tyneside)
was hereunto affixed in the)
presence of)



Mayor / Authorised Signatory
[Signature]
Head of Legal Services/
Authorised Signatory

A copy of the Order and plan may be obtained by contacting:

Environmental.HealthMailbox@southtyneside.gov.uk

The Order can also be seen at: www.southtyneside.gov.uk/pspo

