

Folkestone & Hythe



**The Anti-social Behaviour, Crime and Policing Act 2014 ("the Act")
The Public Spaces Protection Order - (Folkestone and Hythe District Council)
2016**

Folkestone and Hythe District Council (in this order called "the Authority") hereby makes the following Order:

This Order comes into force on 18th May 2018 and relates to the entirety of the District known as Folkestone and Hythe.

1) Activities which are prohibited or required by this Order are:

1.1a A person in charge of a dog shall be guilty of an offence if, at any time (during the time specified in the schedule if stated) 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 a reasonable excuse for doing 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.

1.1b A person in charge of a dog shall be guilty of an offence if, at any time (during the time specified in the schedule if stated) on any land to which this Order applies he does not keep the dog on a lead 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 failing to do so.

1.2 For the purpose of this article 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 the dog.

1.3 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 293358) and upon which he relies for assistance; or
- c) Has a disability which affects his 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 he relies for assistance.

1.4 For the purpose 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 that 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)

The Authority has made a Public Spaces Protection Order under section 59 of the Act as it is reasonably satisfied that two conditions are met.

2) The first condition is that—

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

3) The second condition is that the effect, or likely effect, of the activities—

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

The Public Spaces Protection Order legislation is being used to restrict the access of dogs in a specific place. In the past Dog Control Orders (DCO's) have been used to restrict access to certain public spaces where there is clear evidence of environmental hazards in that locality. This legislation has now been superseded by Public Spaces Protection Order legislation under the above Act.

4) Failure to comply with Activities which are prohibited or required by this Order

Under Section 67 of the Act:

1) It is an offence for a person without reasonable excuse—

a) to do anything that the person is prohibited from doing by a public spaces protection order, or

b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5) Authorised Persons

This Order will give Authorised Person(s) the power to issue a fixed penalty notice or consideration for prosecution to an individual who is witnessed to be allowing their dog to breach one or more of the conditions of this order.

An Authorised Person means a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

6) Definitions


"Act" means The Anti-social Behaviour, Crime and Policing Act 2014

"Authority" means the District Council of Folkestone and Hythe.

This Order shall come into effect on 18th May 2018.

This Order shall have effect for a period of three (3) years.

**The Common Seal of the
District Council of Folkestone and Hythe
Was affixed in the presence of:**


DAVID KELLY



Authorised signatory

This order applies to all land as described within the district of Folkestone and Hythe as defined in the approved schedules below, which have been directly

**adopted from the previously approved Dog Control Orders which have now been superseded by the Public Space Protection Order legislation.
Schedule 1 – Dogs Banned**

This Order applies to any of the following areas

Map no	Location	Area
1	Moore Close Play Area	Brenzett
2	Salthouse Close Play Area	Brookland
3	Burmarsh Recreation Ground Play Area	Burmarsh
4	Morehall Recreation Ground Play Area	Cheriton
5	Naseby Avenue Play Area	Cheriton
6	Pine Way Play Area	Cheriton
7	Country's Field Play Area	Dymchurch
8	Salbris Close Play Area	Dymchurch
9	Seabourne Way Play Area	Dymchurch
10	Meriden Walk Play Area	Etchinghill
11	Brabner Close Play Area	Folkestone
12	Canterbury Road Recreation Ground	Folkestone
13	Cheriton Recreation Ground Play Areas	Folkestone
14	Coastal Park Play Areas	Folkestone
15	Coniston Road Play Area	Folkestone
16	Downs Road Play Area	Folkestone
17	Firs Lane Play Area	Folkestone
18	Folkestone Harbour Fountain	Folkestone
19	Folly Road Play Area	Folkestone
20	George Gurr Crescent Play Area	Folkestone
21	Jocks Pitch Play Area	Folkestone
22	Radnor Park Lower Play Area	Folkestone
23	Radnor Park Upper Play Area	Folkestone
24	St Mary's Playing Field Sports Area	Folkestone
25	Jolly Fisherman Car Park Play Area	Greatstone
26	Atkinson Road Play Area	Hawkinge
27	Blenheim Drive Play Area	Hawkinge
28	Harvest Way Play Area	Hawkinge
29	Heron Forstal Avenue Play Area	Hawkinge
30	Kettle Drive Play Area	Hawkinge
31	Widgeon Walk, Killing Wood Open Space.	Hawkinge
32	Millfield Play Area	Hawkinge
33	Proctor Walk Play Area	Hawkinge
34	St Luke's Walk Play Area	Hawkinge
35	Stombers Lane Play Area	Hawkinge
36	Campbell Road Play Area	Hawkinge
37	Lyell Close Play Area, The Derings	Hythe
38	Peregrine Close Play Area	Hythe
39	Seapoint, Princes Parade Play Area	Hythe
40	St John Moore Avenue Play Area	Hythe
41	Ste George's Place Play Area	Hythe

	1 May to 30 September	
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Schedule 2 – Dogs on Leads

This Order applies to any of the following areas

Location	Area
Kingsnorth Gardens	Folkestone
The Leas	Folkestone
Bowling green and tennis courts	Wear Bay Road, Folkestone
Cheriton sports ground	Cheriton, Folkestone
Hawkinge cemetery	Aerodrome Road, Hawkinge
Spring Lane cemetery	Seabrook
Cheriton Road cemetery	Cheriton
New Romney cemetery	Church Road, New Romney
Lydd cemetery	Mill Road, Lydd
Brenzett cemetery	Church Lane, Brenzett
Beach promenade adjacent to Sunny Sands beach from 1 May to 30 September	Folkestone
Beach promenade adjacent to Mermaid Beach from 1 May to 30 September	Folkestone
Beach promenade from Sandgate Castle To Battery point from 1 May to 30 September	Folkestone
Beach promenade from Twiss Road to St Leonards Road from 1 May To 30 September	Hythe
Beach promenade from Sycamore Gardens To Martello car park from 1 May To 30 September	Dymchurch
Beach promenade from fairway to the river outlet From 1 May to 30 September	St Mary's Bay
Beach promenade from Madeira Road to Clark Road From 1 May to 30 September	Littlestone
Football pitches off The Street	Hawkinge
St Martins Field, Fairfield Road	New Romney
The Greens	Littlestone
New Romney Sports Field Station Road	New Romney
The Flagstaff Land, Littlestone Road	New Romney
Village Hall playing fields	Lympne

42	Turnpike Hill Play Area	Hythe
43	Village Green Play Area	Ivychurch
44	The Greens Play Area (Childrens)	Littlestone
45	Megan Close Play Area	Lydd
46	Oakham Drive Play Area	Lydd
47	The Derings Play Area	Lydd
48	The Green Play Area	Lydd
49	The Rype Open Spaces	Lydd
50	Lade Fort Play Area	Lydd on Sea
51	Church Road (Tayne Field) Play Area	Lyminge
52	Mount Pleasant Close Play Area	Lyminge
53	Woodland Road Multi Sport Play Area	Lyminge
54	Manor Farm Close Play Area	Lympne
55	Octavian Drive Play Area	Lympne
56	Lympne Village Hall Play Area	Lympne
57	Dalglish Close Play Area	New Romney
58	Station Road Play Area	New Romney
59	Elmfields Play Area	Old Romney
60	Postling Village Hall Play Area	Postling
61	Rhodes Minnis Recreation Ground	Rhodes Minnis
62	Freemantle Road Play Area	Sandgate
63	Sandgate Recreation Ground	Sandgate
64	Meads Way Play Area	St Mary's Bay
65	Oak Drive Play Area	St Mary's Bay
66	Densole Way Play Area	Swingfield
67	Mermaid Café Beach 1 May to 30 September	Folkestone
68	Sunny Sands Beach 1 May to 30 September	Folkestone
69	Beach from Sandgate Castle to Battery Point 1 May to 30 September	Sandgate
70	Beach from Twiss Road to St Leonards Road 1 May to 30 September	Hythe
71	Beach from Madeira Road to Clark Road 1 May to 30 September	Littlestone
72	Beach from Sycamore Gardens to Martello Car Park 1 May to 30 September	Dymchurch
73	Beach from The Fairway to New Sewer Outfall 1 May to 30 September	St Mary's Bay
74(1)	Beach from Jolly Fisherman to 17 The Parade 1 May to 30 September	Greatstone
74(2)	Beach from 114 The Parade to 172 The Parade	Greatstone

The "Trim Trail", The Ridgeway	Lympne
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