



## **The Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) The Public Spaces Protection Order - (Folkestone and Hythe District Council) 2022**

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

This Order comes into force 2022 and relates to the entirety of the District known as Folkestone and Hythe.

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

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.

1.5 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)

1.6 For the purpose of this article

- a) A person who is in charge of a dog, shall be guilty of an offence if they allow a dog to foul and do not pick the fouling up forthwith, unless they have a reasonable excuse or the permission from the land owner, to do so. This applies on any land where the public has access.

The Authority is renewing the Dog Control Public Spaces Protection Orders 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 (PSPO) 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, **Crime and Policing Act 2014 (“the 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 (PSPO), or

b) to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order (PSPO)

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 of £100** 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 & Hythe.

**This Order shall come into effect on the 18<sup>th</sup> of May 2022**

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

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

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.

**This Order applies to any of the following areas**

<b>Schedule 1 – Dogs Banned</b>			
<b>Map No</b>	<b>Location</b>	<b>Area</b>	<b>Consultation comments</b>
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	
<b>11</b>	<b>Brabner Close Play Area</b>	<b>Folkestone</b>	<b>Proposed to have dogs on leads in all areas outside of the play area</b>
12	Canterbury Road Recreation Play area	Folkestone	
13	Cheriton Rec Ground Enclosed Play Area	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	
<b>19</b>	<b>Folly Road Play Area</b>	<b>Folkestone</b>	<b>Proposed to have dogs on leads in all areas outside of the play area</b>
20	George Gurr Crescent Play Area	Folkestone	
21	Jocks Pitch Play Area	Folkestone	
22	Radnor Park Lower Play Area	Folkestone	
23	Radnor Park Upper enclosed 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	
<b>31</b>	<b>Widgeon Walk, Killing Wood Open Space.</b>	<b>Hawkinge</b>	<b>Proposed to have dogs on leads in all areas outside of the play area</b>
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	St George's Place Play Area	Hythe	
42	Turnpike Hill Play Area	Hythe	

43	Village Green Play Area	Ivychurch	
44	The Greens Play Area (Children's)	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	
<b>50</b>	<b>Lade Fort Play Area</b>	<b>Lydd on Sea</b>	<b>Proposed to have dogs on leads in all areas outside of the play area</b>
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	
75	Fairfield Recreation ground	New Romney	
76	Bayle pond gardens	Folkestone	
77	Corbett Rd play area	Hawkinge	

### Schedule 1(a) - Dogs banned from beaches 1<sup>st</sup> May to 30 September

<b>Map No</b>	<b>Location</b>	<b>Area</b>	<b>Comments</b>
67	Beach Mermaid Beach 1 May to 30 September dogs	Folkestone	
68	Beach Sunny Sands 1 May to 30 September dogs banned	Folkestone	
69	Beach 1 May to 30 September dogs banned	Sandgate	
70	Beach 1 May to 30 September dogs banned	Hythe	
71	Beach 1 May to 30 September dogs banned	Littlestone	
72	Beach 1 May to 30 September dogs banned	Dymchurch	
73	Beach 1 May to 30 September dogs banned	St Mary's Bay	
74(1) (2)	Beach 1 May to 30 September dogs banned	Greatstone	Proposed removal of 4 zones to partially allow <u>and</u> ban dogs access – to - Dogs banned across the whole of the beach

**This Order applies to any of the following areas**

<b>Schedule 2 Dogs on leads</b>			
<b>Map No</b>	<b>Location</b>	<b>Area</b>	<b>Comments</b>
01	Brenzett cemetery	Church Lane, Brenzett	
<b>02</b>	<b>Bowling green and tennis courts</b>	<b>Wear Bay Road, Folkestone</b>	<b>Proposed to change restriction to Dogs banned</b>
03	Cheriton Road cemetery	Cheriton	
04	Cheriton sports ground (3 Hills)	Cheriton/Folkestone	
05	Kingsnorth Gardens	Folkestone	
06	The Leas	Folkestone	
07	Football pitches off The Street	Hawkinge	
08	Hawkinge cemetery	Hawkinge	
09	The Greens	Littlestone	
10	Lydd cemetery	Mill Road, Lydd	
11	Village Hall playing fields	Lympne	
12	New Romney cemetery	Church Road, New Romney	
13	New Romney Sports Field Station Road	New Romney	
14	St Martins Field, Fairfield Road	New Romney	
15	The Flagstaff Land, Littlestone Road	New Romney	
16	Spring Lane cemetery	Seabrook	
16a	The "Trim Trail", The Ridgeway	Lympne	
23	Brenzett Graveyard	Brenzett	
24	Brookland Graveyard	Brookland	
25	St Martins Cheriton Graveyard	Cheriton	
26	St Peter/ St Paul Dymchurch Graveyard	Dymchurch	
27	St Eanswyth Folkestone Graveyard	Folkestone	
28	St Leonards Hythe Graveyard	Hythe	
29	Lydd Graveyard	Lydd	
30	St Nicholas New Romney Graveyard	New Romney	
31	St Martins Cemetery	Folkestone	
32	St Eanswythe Cemetery Folkestone	Folkestone	
33	East cliff pitch and putt	Folkestone	
34	Wakefield, Lady's & Lucy's walks Hythe	Hythe	
35	Christchurch tower gardens - Folkestone	Folkestone	
36	North Rd playing field - Cheriton	Cheriton	
37	East Rype SSSI - Lydd	Lydd	
78	East cliff pitch and putt, including top of the cliff westwards, area known as the Triangle	Folkestone	
79	St Martins Cemetery	Folkestone	
80	St Eanswythe Cemetery	Folkestone	
81	Wakefield, Lady's and Lucy's walks	Hythe	
82	Christchurch tower gardens	Folkestone	
83	North Rd playing field	Cheriton	
84	Bayle pond gardens	Folkestone	
85	Corbett Rd play area	Hawkinge	

87	Royal military canal town section, Twiss Rd bridge to Scanlon's bridge, north and south side.	Hythe	
88	Brenzett churchyard	Brenzett	
89	Brookland churchyard	Brookland	
90	St Peter & St Paul cemetery	Dymchurch	
91	St Leonards cemetery,	Hythe	
92	Lydd Churchyard	Lydd	
93	St Nicholas churchyard	New Romney	
94	Brabner Close Play Area, Folkestone	Dogs banned	Proposed to change restriction to Dogs banned in play area and dogs on leads in all other areas within the park location
95	Folly Road Play Area, Folkestone	Dogs banned	Proposed to change restriction to Dogs banned in play area and dogs on leads in all other areas within the park location
96	Widgeon Walk, Killing Wood Open Space, Hawkinge	Dogs banned	Proposed to change restriction to Dogs on leads
98	Lade Fort Play Area, Lydd on Sea	Dogs banned	Proposed to change restriction to Dogs banned in play area and dogs on leads in all other areas within the park location
99	Bowling green and tennis courts, Wear bay Rd	Dogs on leads	Proposed to change restriction to Dogs banned on bowling green and in the tennis courts

**Schedule 2 (a) Promenades - Dogs on leads from 1<sup>st</sup> May to 30<sup>th</sup> September annually**

Map No	Location	Area	Comments
17	Folkestone beach promenade	Folkestone	
18	Sunny Sands beach promenade	Sunny Sands	
19	Sandgate beach promenade	Sandgate	
20	Hythe beach promenade	Hythe	
21	Dymchurch beach promenade	Dymchurch	
22	St Mary's Bay beach promenade	St Mary's Bay	
23	Littlestone beach promenade	Littlestone	