

Public Spaces Protection Order

Notice is hereby given that Mole Valley District Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land edged red on Plan A annexed below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order (the Restricted Area).
2. The Order may be cited as Cotmandene Public Spaces Protection Order and will come into force on **13th January 2020** for a duration of 3 years, until the **12th January 2023**.
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that the activities set out below have been carried out within the Restricted Area and are having or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that these activities will be carried out with the Restricted Area and will have such an effect
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order.

Prohibitions

5. Dog Fouling

- 5.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:
 - 5.1.1 If a dog defecates at any time on the Restricted Area the owner, or person in charge of the dog at the time must remove the faeces from

the land forthwith. The person shall be guilty of an offence unless he has a reasonable excuse for failing to comply with this requirement.

6. Anti – Social Parking of vehicles

6.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:

6.1.1 No person shall, without consent of the Council, park a motor vehicle, motor cycle, trailer, caravan or similar on the areas coloured blue within the Restricted Area. A person shall be guilty of an offence unless he has a reasonable excuse for failing to comply with this requirement.

Exemption for offence under paragraph 5

Nothing in this Order shall apply to a person who –

a) is registered as a blind person on 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 physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance

d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

For the purpose 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 the time of the offence, some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the Restricted Area,
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable

means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Offences and Penalty

8. In accordance with section 67 of the Act, a person found to be in breach of this Order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Fixed Penalty Notices

9. A constable or an authorised person may issue a Fixed Penalty Notice not exceeding £100 to anyone they have reason to believe has committed an offence under this Order.

Appeals

10. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that any requirement of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

A plan of the Restricted Area edged red is annexed to this Order

Executed as a deed by affixing THE COMMON SEAL of MOLE VALLEY DISTRICT COUNCIL on the 2nd day of January 2020
in the presence of:

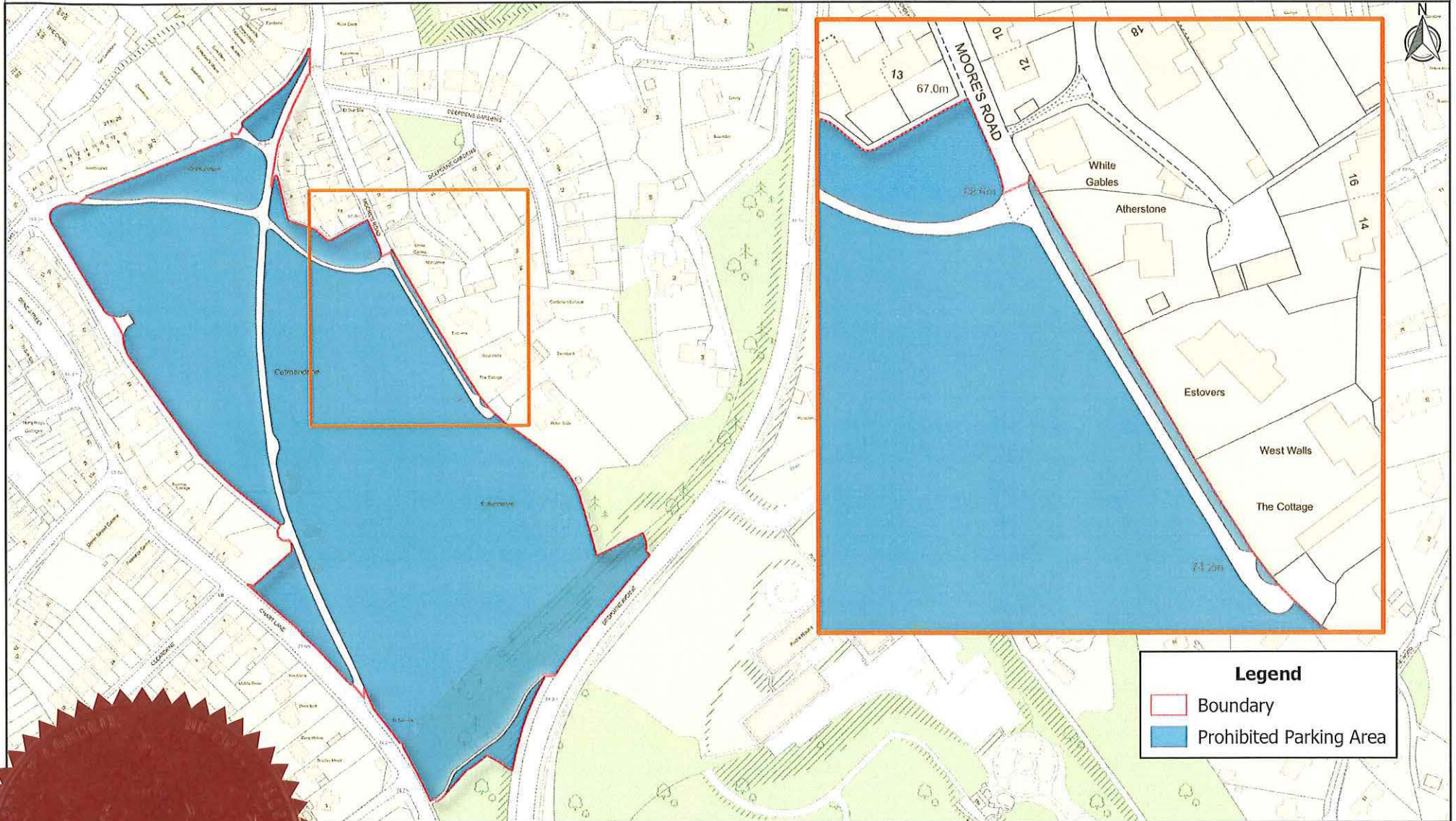

Deputy Legal Services Manager



sw/8001

Annex – Plan A

PSPO - Cotmandene



Scale 1:2853

Date: 23-12-2019

User: GIS

Department: Community Safety & Wellbeing

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