



Notice of Extension to Public Spaces Protection Order

Notice is hereby given that Mole Valley District Council ("the Council") has extended the Cotmandene Public Spaces Protection Order dated 2nd January 2020 ("the Order") under section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014

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 extension to the Order ("the Restricted Area").
2. The Cotmandene Public Spaces Protection Order will be extended from **11th January 2023** for a duration of 3 years, until **10th January 2026**.
3. The Council is satisfied that the conditions set out in Section 60(2) of the Act have been met, namely that it is satisfied on reasonable grounds that extending the existing Order is necessary to prevent the occurrence or recurrence of the activities identified in the existing Order, or to prevent an increase in the frequency or seriousness of those activities after the existing Order is due to expire.
4. In making this extension, the Council has had regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Human Rights Act 1998.

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 that person 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 that person 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 that person 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 that person 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 extension to the Order on the grounds that the Council did not have the power to make the extension or that any requirement of the Act has not been complied with may apply to the High Court within six weeks from the date on which this extension is made.

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

This notice is signed this 22nd day of December 2023 by

Rachel O'Reilly



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Community Corporate Head of Service

Annex – Plan A

