

**ISLE OF WIGHT COUNCIL PUBLIC SPACES PROTECTION ORDER
(DOG EXCLUSION) 2020**

Isle of Wight Council (“the Council”), in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) makes the following Order:

1. This Order may be cited as the Isle of Wight Council Public Spaces Protection Order (Dog Exclusion) 2020.
2. This Order takes effect on the date of sealing and continues to have effect for a period of three years thereafter unless extended by further orders under the Council’s statutory powers.
3. This Order applies to the Restricted Area.
4. The effect of this Order is to exclude dogs from within the Restricted Area at specified times.
5. The Council makes this Order on the basis that it is satisfied on reasonable grounds that, without these controls, the activities carried on or that are likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality. That detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, and is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Dog exclusion at all times

6. At all times, a person in charge of a dog must not take a dog, or permit a dog to enter or remain in a Restricted Area detailed in Schedule 1 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.

Dog exclusion between 1st May and 30th September inclusive

7. Each year, between 1st May and 30th September inclusive, a person in charge of a dog must not take a dog, or permit a dog to enter or remain in a Restricted Area detailed in Schedule 2 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.

8. 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.

Exemptions from Order

9. Nothing in this Order shall apply 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. A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

Offence

10. Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is an offence under Section 67 of the Act.

A person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of a maximum of £100.00.

11. An Authorised Person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The recipient of a fixed penalty notice will have 14 days to pay the fixed penalty. If payment is received within 14 days, they will not be prosecuted.

Interpretation

12. For the purpose of this Order:
 - a. "An authorised Person" means a constable or police community support officer of Hampshire Constabulary or a person authorised in writing by the Council;
 - b. "Council" means the Isle of Wight Council
 - c. "Prescribed charity" means;
 - i. Dogs for the Disabled (Registered Charity No 700454);
 - ii. Support Dogs (Registered Charity No 1088281);
 - iii. Canine Partners for Independence (Registered Charity No 803680)

d. "Restricted Area" means all land in the administrative area of the Council, as described in Schedule 1 and Schedule 2 and shown edged red on the attached plans in those Schedules, 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

13. If any interested person desires to question the validity of this Order on the ground that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated: 14 January 2021

The COMMON SEAL of the ISLE OF
WIGHT COUNCIL was hereunto affixed in
the presence of:

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Schedule 1

NEW Fenced playground exclusion zones – ALL YEAR ROUND

Reference No.	Location
E01	Appley Park, Ryde, PO33 1ND - PLAYGROUND
E02	Battery Gardens, Broadway, Sandown, PO36 8NP - PLAYGROUND
E04	Big Mead PLAYGROUND, Shanklin PO37 6RJ
E05	Binstead Recreation Ground, Ryde, PO33 3SB - PLAYGROUND
E06	Brunswick Road PLAYGROUND, Cowes, PO31 7DD
E07	Church Litten Park, Newport, PO30 1JQ – PLAYGROUND
E03	East Cowes Esplanade, PO32 6AD - PLAYGROUND
E08	Downside Recreation Ground PLAYGROUND, Newport
E10	Gurnard Green, off Princes Esplanade, Gurnard - PLAYGROUND
E12	Jubilee Recreation Ground, East Cowes, PO32 6 PLAYGROUND/MUGA/SKATEPARK
E13	Lowtherville PLAYGROUND, St Margaret's Glade, Ventnor
E14	Manor Road PLAYGROUND, Lake
E16	Monkton Mead PLAYGROUND, Ryde Esplanade, Ryde
E17	Newbridge Playground - PLAYGROUND
E19	North Street PLAYGROUND, Ventnor
E21	Park Road Recreation Ground, Northwood - PLAYGROUND/MUGA/SKATEPARK
E23	Seaclose Park, (inc Arboretum) Fairlee Road, Newport, PO30 2QS - PLAYGROUND / TENNIS & NETBALL COURTS
E42	Simeon Recreation Ground, Ryde - PLAYGROUND
E24	St Helens Green, St Helens - PLAYGROUND
E25	Stroud Recreation Ground, Freshwater PO40 9JB - PLAYGROUND
E26	Ventnor Park, Park Avenue, Ventnor, PO38 1LB - OUTDOOR FITNESS
E27	Victoria Grove Recreation Ground, East Cowes - PLAYGROUND
E28	Victoria Recreation Ground, Newport - PLAYGROUND
E29	Wootton Recreation Ground, Wootton – PLAYGROUND

EXISTING Dog Control migrating across to new PSPO – ALL YEAR ROUND

E55	Medina College, Fairlee Road, Newport - PLAYING FIELDS NO CHANGE
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Schedule 2

EXISTING Dog Control Orders Migrating across to PSPO - 1st May – 30th Sept only

E43	Colwell Beach NO CHANGE
E44	Cowes Beach NO CHANGE
E45	East Cowes Beach NO CHANGE
E46	Freshwater Bay NO CHANGE
E47	Gurnard Beach NO CHANGE
E49	Sandown Beach, PO36 8JS NO CHANGE
E51	Shanklin Beach NO CHANGE
E52	Springvale Beach, PO34 5AR NO CHANGE
E53	Ventnor Beach, PO38 8JS NO CHANGE
E54	Yaverland Beach, PO36 8QB NO CHANGE
E48	Ryde Beach, Ryde Esplande