

**THE EAST RIDING OF YORKSHIRE COUNCIL**

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**THE EAST RIDING OF YORKSHIRE COUNCIL  
(LAND IN THE TOWN OF WITHERNSEA)  
(PUBLIC SPACES PROTECTION ORDER 2016)  
VARIATION ORDER 2019**

# **THE EAST RIDING OF YORKSHIRE COUNCIL (LAND IN THE TOWN OF WITHERNSEA) (PUBLIC SPACES PROTECTION ORDER 2016) VARIATION ORDER 2019**

The East Riding of Yorkshire Council (“the Council”) has under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”) made the following Public Spaces Protection Order:

This Order comes into force on 1 September 2019 for a period of three (3) years.

## **Offences Relating to Dogs**

### **1. Fouling**

If within the Town of Withernsea a dog defecates at any time on land 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 and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:-

- (a) he has 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.

### **2. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 1 below he does not keep the dog on a lead unless:-

- (a) he has 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.

### **3. Exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 to this Order unless:-

- (a) he has 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.

#### **4. Exemptions for Dog Related Offences**

- (a) If a person is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 or is registered as severely sight-impaired in a register compiled under section 77 of the Care Act 2014, the provisions of this Order will not apply;
- (b) If a person 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, section 3 to this Order will not apply;
- (c) If a person has a disability which affects his mobility, manual dexterity, physical coordination 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, sections 1 and 3 to this Order will not apply.

#### **5. Definitions**

For the purposes of the Dog Related Offences sections 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 that time 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 land;
- 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;
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order;
- A prescribed charity is a charity registered with the Charity Commission whose purposes are for the provision of trained dogs to assist disabled persons

#### **Offences Relating to Alcohol**

##### **6. Prohibition**

The consumption of alcohol on land 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 in the places detailed in Schedule 3 to this Order is hereby prohibited

##### **7. Exemptions for Alcohol Related Offences**

The following places are exempt from the provisions of section 6 to this Order:-

- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;

- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (1) or (2);
- (d) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980) (highway-related uses);
- (e) council-operated licensed premises:-
  - (i) when the premises are being used for the supply of alcohol; or
  - (ii) within thirty (30) minutes after the end of a period during which the premises have been used for the supply of alcohol.

## 8. Definitions

For the purposes of the Alcohol Related Offences sections of this Order:-

- “club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;
- “premises licence” has the meaning given by section 11 of that Act;
- “supply of alcohol” has the meaning given by section 14 of that Act;
- premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and:-
  - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
  - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

## 9. Penalties

- (a) In accordance with the provisions of section 67 of the 2014 Act, a person who is guilty of an offence under sections 1, 2 and 3 to this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (b) In accordance with the provisions of section 63 of the 2014 Act, a person who is guilty of an offence under section 6 to this Order shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale
- (c) In accordance with the provisions of section 68 of the 2014 Act, a constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under this Order

“authorised person” means a person authorised for the purposes of this section by the local authority that made the Order (or authorised by virtue of section 69(2) of the 2014 Act

**Schedule 1  
Dogs on Leads**

This Schedule applies to all land described below:-

1. Withernsea Promenade from the access ramp opposite Seaside Road to the first beach access steps south of Pier Towers (1 May to 30 September in each year)
2. Hull Road cemetery
3. St. Nicholas churchyard

**Schedule 2  
Dogs Exclusion**

1. Withernsea beach between the first groyne north of the access ramp opposite Seaside Road and the beach access steps at Pier Tower (1 May to 30 September in each year)
2. Millennium Village Green and skateboard park
3. Withernsea High School
4. Withernsea Primary School

**Schedule 3  
Alcohol Prohibition Area  
(as identified in red on plan attached to this Order)**

This Schedule applies to all land described below:-

1. Queen Street Memorial Gardens, Valley Gardens, Italian Gardens, Memorial Avenue

GIVEN under the Common Seal of the East Riding of Yorkshire Council this  
day of July 2019

THE COMMON SEAL of THE EAST )  
RIDING OF YORKSHIRE COUNCIL )  
was hereunto affixed in the presence of:- )