

ISLE OF WIGHT COUNCIL PUBLIC SPACES PROTECTION ORDER (CONTROL OF ALCOHOL CONSUMPTION) 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 (Control of Alcohol Consumption) 2020.
2. This Order takes effect on XX October 2020 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 Areas.
4. The effect of this Order is to control the consumption of alcohol within the Restricted Areas at all 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 and/or likely to be carried on in the Restricted Area will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect, or likely detrimental effect of the below activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Control of consumption of alcohol in Restricted Areas

6. This Order prohibits the following activities within the Restricted Areas:
 - a. The consumption of alcohol or being in possession of an open container of alcohol
 - b. Loitering for the purpose of consuming alcohol
7. Where an authorised person reasonably believes that an individual
 - a. is, or has been consuming alcohol in breach of this prohibition, or

- b. intends to consume alcohol in breach of this prohibition.
- the authorised person may require the individual
 - c. not to consume, in breach of the Order, alcohol or anything which the authorised person reasonably believes to be alcohol;
 - d. to surrender anything in the individual's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.
- 8. An authorised person who imposes a requirement under Section 6 must tell the individual that failing without reasonable excuse to comply with the requirement is an offence.
- 9. A requirement imposed by an authorised person under Section 6 is not valid if the authorised person is asked by the individual to show evidence of their authorisation, and they fail to do so.
- 10. An authorised person may dispose of anything surrendered under Section 6(d) in whatever way he or she thinks appropriate.

Exemptions from Order

- 11. The prohibition of consumption of alcohol does not apply to premises within the Restricted Area as listed in Section 62 of the Act.

Offence

- 12. Failure to comply with a requirement imposed under Section 6, without reasonable excuse, is an offence under Section 63 of the Act.
- 13. A person guilty of an offence under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £100.00.
- 14. 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, then they will not be prosecuted.

Interpretation

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

Appeals

12. 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:

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

.....

DRAFT

Schedule 1

Reference No.	Location
A01	East Cowes
A02	Freshwater / Totland
A03	Lake
A04	Newport
A05	Ryde
A06	Sandown
A07	Shanklin

Schedule 2

DRAFT

ISLE OF WIGHT COUNCIL PUBLIC SPACES PROTECTION ORDER (DOG FOULING) 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:

15. This Order may be cited as the Isle of Wight Council Public Spaces Protection Order (Dog Fouling) 2020.
16. This Order takes effect on XX October 2020 and continues to have effect for a period of three years thereafter unless extended by further orders under the Council’s statutory powers.
17. This Order applies to the Restricted Area.
18. The effect of this Order is to control dog fouling and removal of dog faeces within the Restricted Area at all times.
19. The Council makes this Order on the basis that it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Area will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Removal of Dog Faeces

20. This Order provides for the removal of dog faeces by a person in charge of a dog as follows:
 - a. If a dog defecates at any time on land to which this Order applies a person who is in charge of the dog at any time must remove the faeces from the land forthwith unless:

- i. He has a reasonable excuse for failing to do so; or
 - ii. The owner occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- b. 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;
- c. Placing 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;
- d. 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

Exemptions from Order

21. 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

22. 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.

23. 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 then they will not be prosecuted.

Interpretation

24. For the purpose of this Order:

- d. "An authorised Person" means a constable or police community support officer of Hampshire Constabulary or a person authorised in writing by the Council;
- e. "Council" means the Isle of Wight Council
- f. "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)
- g. "Restricted Area" means all land in the administrative area of the Council, as described in Schedule 1 and shown edged red on the attached plans in Schedule 2, 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

25. 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:

The COMMON SEAL of the ISLE OF

WIGHT COUNCIL was hereunto affixed in
the presence of:

.....

DRAFT

Schedule 1

1. Each and every length of road including adjacent pavements and verges, within the administrative area of the Isle of Wight Council

ISLE OF WIGHT COUNCIL PUBLIC SPACES PROTECTION ORDER (DOGS ON LEAD) 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:

26. This Order may be cited as the Isle of Wight Council Public Spaces Protection Order (Dogs on Lead) 2020.
27. This Order takes effect on XX October 2020 and continues to have effect for a period of three years thereafter unless extended by further orders under the Council's statutory powers.
28. This Order applies to the Restricted Area.
29. The effect of this Order is to require a dog to be kept on a lead within the Restricted Area at all times.
30. The Council makes this Order on the basis that it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Dogs to be kept on a lead

31. This Order provides for a person in charge of a dog to keep the dog on a lead in the Restricted Area at all times, unless:
 - i. He has a reasonable excuse for failing to do so; or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

32. 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

33. 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

34. 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.

35. 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 then they will not be prosecuted.

Interpretation

36. For the purpose of this Order:

- h. "An authorised Person" means a constable or police community support officer of Hampshire Constabulary or a person authorised in writing by the Council;
- i. "Council" means the Isle of Wight Council
- j. "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)

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

37. 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:

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

.....

Schedule 1

DRAFT

Schedule 2

DRAFT

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:

38. This Order may be cited as the Isle of Wight Council Public Spaces Protection Order (Dog Exclusion) 2020.
39. This Order takes effect on XX October 2020 and continues to have effect for a period of three years thereafter unless extended by further orders under the Council's statutory powers.
40. This Order applies to the Restricted Area.
41. The effect of this Order is to exclude dogs from within the Restricted Area at specified times.
42. The Council makes this Order on the basis that it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, 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

43. 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

44. 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

45. 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

46. 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

47. 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.

48. 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 then they will not be prosecuted.

Interpretation

49. For the purpose of this Order:

- l. "An authorised Person" means a constable or police community support officer of Hampshire Constabulary or a person authorised in writing by the Council;
- m. "Council" means the Isle of Wight Council
- n. "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)
- o. "Restricted Area" means all land in the administrative area of the Council, as described in Schedule 1 and 2 and shown edged red on the attached plans in Schedule 3, 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

50. 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:

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

.....

Schedule 1

DRAFT

Schedule 2

DRAFT