

BRIGHTON & HOVE CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT
2014
BRIGHTON & HOVE CITY COUNCIL (Dogs on Leads by
Direction) PUBLIC SPACES PROTECTION ORDER 2023

Brighton & Hove City Council (“the Council”) is satisfied that the requirements of Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been fulfilled and that it is, in all the circumstances, appropriate to make this Order.

1. This Order shall come into operation on XX October 2023 and shall have effect until XX October 2026 unless extended before that date under the Council's statutory powers.
2. This Order applies to the land specified in Schedule 1.
3. In this Order, “an authorized office of the Council” means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

Offence

4. (1) A person in charge of a dog shall be guilty of an offence if at any time, on any land to which this Order applies, they do not comply with a direction given to them by an authorised office of the Council to put and 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.

(2) For the purposes of this article:-

- (a) 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;
- (b) an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance of behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

Penalty

5. A person who is guilty of an offence under Article 4 shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Validity of Order

6. The Council is satisfied on reasonable grounds that the activity specified by this Order (“the Offence”) having been carried on or being likely to be carried on in those Public Spaces as identified in Schedule 1 have or will have a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.

7. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or to include particular prohibitions or requirements imposed by the Order, or that any requirement of the Act has not been complied with in relation to this Order, they may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of October 2023

The Common Seal of
Brighton & Hove City Council was affixed
to this Order in the presence of

.....
Authorised Officer

SCHEDULE 1

Description of land, or lands, to which the Order applies

All land in the City of Brighton and Hove which is open to the air, including covered land which is open on at least one side, and to which the public are entitled or permitted to have access (with or without payment), with the exception of Forestry Commission Land.¹

¹ “Forestry Commission Land” is land that is placed at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967