

BRIGHTON & HOVE CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT
2014

BRIGHTON & HOVE CITY COUNCIL (Dogs on Leads)
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 15 November 2023 and shall have effect until 15 November 2026 unless extended before that date under the Council’s statutory powers.
2. This Order applies to the land specified in Schedule 1.

Offence

3. (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 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.

(2) For the purposes of this article 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.

Penalty

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

Validity of Order


5. 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.

6. 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 15th day of November 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

1. Subject to the exceptions set out at paragraph 2 below, all roads (as defined by Section 142 Road Traffic Regulation Act 1984) in the administrative area of the Council, including the seafront promenades (upper and lower).¹
2. This Order does not apply to land used for agriculture² or woodland or Forestry Commission Land³.

¹ A 'road' is defined in section 142 of the Road Traffic Regulation Act 1984 as 'any length of highway or of any other road to which the public has access, and includes bridges over which a road passes.'

² 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, and livestock breeding and keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.

³ 'Forestry Commission Land' is land that is placed at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967.