

the land forthwith. The person shall be guilty of an offence unless he has a reasonable excuse for failing to comply with this requirement.

6. Anti – Social Parking of vehicles

6.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:

6.1.1 No person shall park a motor vehicle, motor cycle, trailer, caravan or similar on the areas coloured blue within the Restricted Area. A person shall be guilty of an offence unless he has a reasonable excuse for failing to comply with this requirement.

Exemption for offence under paragraph 5

Nothing in this Order shall apply to a person who –

a) is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or

b) 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; or

c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance

d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

For the purpose 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 the time of the offence, 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 Restricted Area,
- 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.

Offences and Penalty

8. In accordance with section 67 of the Act, a person found to be in breach of this Order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Fixed Penalty Notices

9. A constable or an authorised person may issue a Fixed Penalty Notice not exceeding £100 to anyone they have reason to believe has committed an offence under this Order.

Appeals

10. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that any requirement of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

A plan of the Restricted Area edged red is annexed to this Order

Executed as a deed by affixing THE COMMON SEAL of MOLE VALLEY DISTRICT COUNCIL on the day of 2019
in the presence of:

.....
Legal Services Manager

Annex – Plan A

Proposed PSPO - Cotmandene



Mole Valley District Council Planning Section S15 Telephone: 01306 80001 Website: www.molevalley.gov.uk	Scale: 1:2,758	Date: 14-01-2019	User: GIS	Department: Community Safety & Wellbeing
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