

Public Spaces Protection Order Dog Control



Anti-Social Behaviour, Crime and Policing Act 2014

The Order

Rossendale Borough Council ("the Council") in exercise of the powers conferred on it by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 makes the following order.

This order may be cited as the **Rossendale Borough Council Public Spaces Protection Order (Dog Control) Order** and for the purposes of any enforcement proceedings, Notices, documents or correspondence, the short title of **Dog Control Orders** may be given. This Order consolidates the Orders previously cited as 'Means to Pick Up Dog Faeces', 'Dogs on Leads', 'Dogs Exclusion', 'Dogs on Leads by Direction', 'Maximum Number of Dogs', and 'Dog Fouling of Land'. This order came into force on 19th August 2019, was extended on 18th August 2022 and was varied and extended for a further 3 years from **(date to be confirmed)**.

Interpretation

In this order, "an authorised officer of the Authority" means an employee of the Authority or any other person who is authorised in writing by the authority for the purposes of giving direction under 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.

Any reference in this Order and Schedules to "prescribed charity" shall mean any of the following charities:

The Guide Dogs for the Blind Association	Registered charity number: 209617
Dogs for the Disabled	Registered charity number: 700454
Support Dogs Limited	Registered charity number: 1088281
Canine Partners for Independence	Registered charity number: 803680
Dog Assistance in Disability	Registered charity number: 1178719
Dogs for Good	Registered charity number: 1092960
Hearing Dogs for Deaf People	Registered charity number: 293358

The offences detailed at Sections 1 and 2 of the Order shall not apply to a person who:

- Registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or
- Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trainee by a prescribed charity and upon which he relies for assistance.

Offences

Section 1 - Dog Fouling of Land

- 1) If a dog defecates at any time on land specified in Schedule 1 and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - a. The person has a 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 offence:
 - a. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land,
 - b. 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

Section 2 – Means to Pick Up Dog Faeces

- 3) A person in charge of a dog on land specified in Schedule 1 shall be guilty of an offence, if at any time, he/she does not comply with a direction given to him by an Authorised Officer of the Council to produce a device for or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) unless:
 - a. That person has a reasonable excuse for failing to do so

Section 3 – Maximum Number of Dogs

- 4) A person in charge of a dog on land specified in Schedule 1 shall be guilty of an offence, if, at any time, he/she has under their control more than 4 dogs, unless:
 - a. That person has a reasonable excuse for failing to do so

Section 4 – Dogs on Leads by Direction

- 5) A person in charge of a dog shall be guilty of an offence, if, at any time, on land specified in Schedule 1, he does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length, 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.
- 6) For the purposes of this offence:
 - a. An authorised officer of the Authority 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 or behaviour by the dog likely to cause annoyance or disturbance to any other person (on any land specified in Schedule 1) or the worrying or disturbance of any animal or bird.

Section 5 – Dogs on Leads

- 7) A person in charge of a dog shall be guilty of an offence, if, at any time, on land specified in Schedule 2, he does not keep the dog on a lead of not more than 2 metres in length, 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.

Section 6 – Dogs Exclusion

- 8) A person in charge of a dog shall be guilty of an offence, if, at any time, on land specified in Schedule 3, he takes the dog on to, or permits the dog to enter or to remain on land specified in Schedule 2 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.
- 9) Nothing in this offence applies to a person who:
- a. 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 7 – Requirement to provide identity details

- 10) Any person who appears to a duly authorised officer of the authority or to a police officer to be in charge of any dog to which the provisions of this Order apply, shall provide their full and true name and ordinary residential address and date of birth upon any request having been made in that respect whether verbally or in writing by any such officer and within such time as may be stipulated by that officer.

Penalty

- 11) It is an offence for a person without reasonable excuse:
- a. To do anything that a person is prohibited from doing by a public spaces protection order, or
 - b. To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- 12) A person guilty of an offence specified in paragraph 11 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 13) An authorised officer of the Authority or police constable may issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to the Order.

- 14) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

THE COMMON SEAL OF ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

DRAFT

Schedule 1

Any land which is open to the air and to which the public are entitled or permitted to have access within the Borough of Rossendale.

Schedule 2

All highways including the public road, pavements, verges, footways and carriageways managed by Lancashire County Council and all locations within the Borough of Rossendale listed below.

Bacup	Rawtenstall
<ul style="list-style-type: none">➤ Bacup Cemetery➤ Bank Street Car Park, Bacup➤ The Blind Garden, Burnley Road, Greensclough➤ Branch Street Car Park, Stacksteads➤ Britannia Greenway Car Park, Britannia➤ Cowpe Memorial Garden, Whitewell➤ Fern Street Car Park, Bacup➤ Greenbridge Car Park, Cowpe➤ Hempsteads memorial Gardens, Greensclough➤ Henrietta Street Car Park (off Forge Street), Bacup➤ Maden Centre Car Park also known as Bacup Baths Car Park, Irwell➤ Moorlands Park, Greensclough (Sunken Garden)➤ Rochdale Road Car Park, Bacup➤ Stacksteads Peace Garden, Stacksteads➤ Stacksteads Car Park, Stacksteads➤ Stubbylee Park, Greensclough (Rose Garden)➤ Trough Gate Car Park, Britannia	<ul style="list-style-type: none">➤ Adelaide Street Car Park, Crawshawbooth➤ Broadley's Garden, Cribden➤ Buller Street Car Park, Rawtenstall➤ Burnley Road Car Park, Crawshawbooth➤ Crankshaw Street Car Park, Rawtenstall➤ Crawshawbooth Gardens, Goodshaw➤ Dale View Allotments, Rawtenstall➤ Haslingden Road Car Park, Rawtenstall➤ Kay Street Long Stay Car Park, Rawtenstall➤ Kay Street Short Stay Car Park, Rawtenstall➤ Library Gardens, Rawtenstall, Longholme➤ Lord Street (TH Upper) Car Park, Rawtenstall➤ Lord Street (TH Lower) Car Park, Rawtenstall➤ Market Car Park, Rawtenstall➤ Millgate Car Park, Rawtenstall➤ Newchurch Road Car Park, Rawtenstall➤ Ormerod Street Car Park, Rawtenstall➤ Phipps Buildings Car Park, Rawtenstall➤ Rawtenstall Cemetery➤ Robert Street Car Park, Rawtenstall➤ Town Hall Slabbed Car Park, Rawtenstall➤ Water Street Car Park, Crawshawbooth➤ Whitaker Park Car Park, Rawtenstall➤ Whitaker Park, Rawtenstall, Longholme – Formal Gardens
Waterfoot	Haslingden
<ul style="list-style-type: none">➤ Bacup Road Car Park, Waterfoot➤ Cowpe Road Car Park, Waterfoot➤ Greenbridge Car Park, Cowpe➤ Miller Barn Lane Car Park, Waterfoot➤ Spring Garden Lane Car Park, Waterfoot➤ Warth Old Road Car Park, Waterfoot	<ul style="list-style-type: none">➤ Bury Road Car Park, Haslingden➤ Coal Hey Car Park incorporating Deardengate Croft, Worsley➤ Dale Street Car Park, Haslingden➤ Elm Street Car Park, Haslingden➤ Free Lane Allotments, Helmshore➤ Greenfield Memorial Gardens, Haslingden➤ Haslingden Cemetery

	Haslingden continued... <ul style="list-style-type: none"> ➤ Helmshore Memorial Gardens, Helmshore ➤ Hindle Street Car Park, Haslingden ➤ John Street Car Park, Haslingden ➤ Kirkhill Allotments, Haslingden ➤ New Street Car Park, Haslingden ➤ Pike Law Quarry Car Park, Haslingden ➤ Ratcliffe Fold Car Park, Haslingden ➤ Salem Street Car Park, Haslingden
Edenfield	Whitworth
<ul style="list-style-type: none"> ➤ Bank Gardens (also known as Edenfield Memorial Gardens) ➤ Stubbins Garden, Eden 	<ul style="list-style-type: none"> ➤ Hall Fold Churchyard, Healey and Whitworth ➤ Hall Street Car Park, Whitworth ➤ Leavengreen Car Park, Shawforth ➤ Market Street Car Park, Whitworth ➤ Milner Street Car Park, Whitworth ➤ North Street Car Park, Whitworth ➤ Station Road Car Park, Whitworth ➤ Whitworth Cemetery ➤ Whitworth Memorial Gardens

Schedule 3

All land within the Borough of Rossendale (all of the land unless otherwise stated; where the phrase *play area* and *pitch area* are used this means that dogs may be walked under close control around the perimeters of these sites; the play area may or may not be fenced-off; if the play is fenced-off then dogs are not permitted within the fenced area.

Bacup	Rawtenstall
<ul style="list-style-type: none"> ➤ Britannia Playground, Irwell – within play area ➤ Cutler Lane Playground, Stacksteads ➤ Fairview Recreation Ground, also known as Sunnyside, Cribden – play area, pitch area and cricket wicket ➤ Gordon Street Playground, Greensclough ➤ Hawthorn Road Doorstep Green, Irwell – play area and Multi-Use Games Area (M.U.G.A) ➤ Maden Recreation Ground, Greensclough – pitch areas, play area and bowling green. ➤ Moorlands Park, Greensclough – within play area and pitch area. ➤ Rossendale Close Play Area, Irwell – within play area ➤ Stacksteads Recreation Ground, Stacksteads – pitch area 	<ul style="list-style-type: none"> ➤ Barlow Fold Sports Field, Longholme – pitch area ➤ Crawshaw Grange Play Area, Goodshaw – within play area ➤ Hall Carr Adventure Playground, Longholme – play areas ➤ Hill Street Playground, Goodshaw – play area ➤ Loveclough Football Pitch, Goodshaw ➤ Loveclough Park, Goodshaw – within play area ➤ Marl Pits Sports Centre, Hareholme – pitches, athletic track, netball courts and all areas except designated dog walk. ➤ New Hall Hey Cricket Ground, Longholme ➤ Whitaker Park, Rawtenstall, Longholme – play areas, Multi-Use Games Area (M.U.G.A), bike track, pitch area, tennis courts and bowling green.

<ul style="list-style-type: none"> ➤ Stubblelee Park, Greensclough – tennis courts, skate park and bowling greens. <p>Bacup continued...</p> <ul style="list-style-type: none"> ➤ Weir Play Area, Greensclough – within play area and pitch area. ➤ Western Road Playground, Stacksteads – within play area or artificial pitch. 	
Waterfoot	Haslingden
<ul style="list-style-type: none"> ➤ Cowpe Recreation Ground, Whitewell – play area and pitch area. ➤ Dean Lane Sports Field, Water, Whitewell ➤ Edgeside Park, Whitewell – pitch area, within play area, within Multi-Use Games Area (M.U.G.A) and tennis courts. ➤ Lumb Millenium Green, Whitewell – pitch area ➤ Lumb Playground, Whitewell ➤ Mullards Playground, Waterfoot, Whitewell ➤ Water gardens Playground, Whitewell – within play area 	<ul style="list-style-type: none"> ➤ Alden Close Playground – within play area ➤ Clegg Street also known at Pit Pocket Park, Worsley – play areas ➤ Clod Lane Playground, Greenfield – within play area ➤ Greenfield Memorial Gardens, Greenfield – in play area, on kick-about area and bowling green. ➤ Helmshore Park also known as Snig Hole and Helmshore Memorial Gardens, Helmshore - play area and pitch area. ➤ Ratcliffe Street Play Area, Worsley ➤ Rising Bridge Play Area, Worsley ➤ St Peter's Playing Field, Greenfield – pitch area ➤ Victoria Park, Greenfield – from play area, skate park, Multi-Use Games Area (M.U.G.A) and bowling green. ➤ Worsley Park, Haslingden – play area, tennis courts and bowling green.
Edenfield	Whitworth
<ul style="list-style-type: none"> ➤ Chatterton Recreation Ground Play Area, Eden ➤ Edenfield Play Area, Eden ➤ Edenfield Recreation Ground, Eden – pitch area 	<ul style="list-style-type: none"> ➤ Festival Park, Facit and Shawforth – play area and bowling green ➤ John Street Football Pitch, Facit and Shawforth – pitch area ➤ Knowsley Crescent Play Area, Facit and Shawforth – within play area ➤ Leavengreave Pitch, Facit and Shawforth – pitch area ➤ Masseycroft Playground, Healey and Whitworth – Multi-Use Games Area (M.U.G.A) ➤ Sharneyford Playground – play area and pitch area.