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# Dog control and dog fouling PSPO

Last Modified April 15, 2020



## The Anti-Social Behaviour, Crime And Policing Act 2014

## Blackpool Borough Council (Dog Control And Dog Fouling) Public Spaces Protection Order 2018

Blackpool Borough Council ('the Council'), in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') and under all other enabling powers being satisfied that all conditions set out in section 59 of the Act have been met hereby makes the following Order:

The effect of this order is to impose the following prohibitions and/or requirements in the public places described in the Schedules to this Order and where appropriate shown edged red on the plans annexed to this Order.

1. For the purposes of this order:

- (i) "authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose
- (ii) "restricted area" means the area of land described in the relevant Schedules to this order
- (iii) a person who habitually has a dog in their 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

## Prohibited And Required Activities

### 2. Fouling of land by dogs

(a) If a dog defecates at any time on land in the restricted area detailed in Schedule 1 of this Order the person who is in charge of the dog at the time must remove the faeces from the land forthwith, unless:-

(i) that person 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 that person failing to do so; or(iii) that person is subject to the exemptions listed in Schedule 1.

(b) For the purposes of this article:-

(i) 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;(ii) 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.

### 3. Means to pick up dog faeces

(a) A person in charge of a dog on land in the restricted area detailed in Schedule 2 of this Order must comply with a direction given to them by an authorised Officer of the Council to produce a device or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) unless:-

(i) that person 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 that person failing to do so; or(iii) that person is subject to the exemptions listed in Schedule 2.

#### 4. Dogs excluded -year round prohibition

(a) A person in charge of a dog must not take that dog onto, or permit the dog to enter or to remain on land within the restricted area referred to in Schedule 3 of this Order unless:-

(i) that person has reasonable excuse for doing so; or(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so; or(iii) that person is subject to the exemptions listed in Schedule 3

#### 5. Dogs excluded - seasonal prohibition

(a) No person in charge of a dog shall at any time between 1 May and 30 September in each year take that dog onto any part of the restricted area referred to in Schedule 4 of this order, or cause or permit the dog to enter or remain on any part of the restricted area referred to in Schedule 4 of this Order unless:-

(i) that person has reasonable excuse for doing so; or(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so; or(iii) that person is subject to the exemptions listed in Schedule 4

#### 6. Dogs on leads - year round prohibition

(a) Any person in charge of a dog, at any time, must put and keep the dog on a lead in the restricted area detailed in Schedule 5 paragraphs (1) and (2), unless :-

(i) that person has 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 that person not doing so.

#### 7. Dogs on leads - seasonal prohibition

(a) Any person in charge of a dog at anytime between 1 May and 31 August between 10.00 a.m. and4.00 p.m. must put and keep the dog on a lead in the restricted area detailed in Schedule 5 paragraph(3) of this order unless:-

(i) that person has reasonable excuse for doing so; or(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so.

#### 8. Dogs on leads by request

(a) Any person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in the restricted area detailed in Schedule 6, unless:-

(i) that person has 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 that person not doing so.

(b) For the purpose of this article:-

(i) an authorised officer of the Council may make a direction under this article 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 or the worrying or disturbance of any other animal or bird on any land to which this article applies.

## Penalties For Non-Compliance

#### 9. Offences and penalty

It is an offence for a person without reasonable excuse to do anything that person is prohibited from doing by this Order or to fail to comply with a requirement to which the person is subject under this Order. A person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### 10. Fixed Penalty Notice

A constable, Police Community Support Officer or authorised person of the Council may issue a fixed penalty notice in the sum of £100 to any person he or she has reason to believe has committed an offence giving the opportunity to discharge any liability to

conviction for the offence by payment of the fixed penalty which is payable within 14 days of the date of notice.

Where a person is issued with a fixed penalty notice under this Order: no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice; and the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period as specified in the notice.

11. This Order may be cited as the "Blackpool Borough Council (Dog Control and Dog Fouling) Public Spaces Protection Order 2018" ('the Order') and applies to the public places described in the Schedules to the Order and shown on the Plans attached to the Order ('the restricted areas').

12. This Order shall come into operation on 1st December 2018 and shall have effect and remain in force for a period of three years from that date, unless extended pursuant to section 60 of the Act.

Dated this D4- day of c

The common seal of Blackpool Borough Council was affixed hereto in the presence of:-



Authorised signatory

## Schedule 1 fouling of land by dogs

(1) All public places within the administrative area of Blackpool Borough Council as shown in Plan 1. "Public Place" in this Order means any place which is:-(i) open to the air (which includes land which is covered but open to the air on at least one side); and(ii) to which the public are entitled or permitted to have access with or without payment

Other than land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.

(2) Exemptions - Nothing in this Schedule applies to a person who:-

(i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or(ii) has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

(3) For the purpose of this Schedule, each of the following is a "prescribed charity":

(i) Dogs for the Disabled (registered charity number 700454);(ii) Support Dogs (registered charity number 1088281); and(iii) Canine Partners for Independence (registered charity number 803680).

## Schedule 2 Means to pick up dog faeces

(1) All public places within the administrative area of Blackpool Borough Council as shown in Plan 1 "Public Place" in this Order means any place which is:-(i) open to the air (which includes land which is covered but open to the air on at least one side); and(ii) to which the public are entitled or permitted to have access with or without payment

Other than land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.

(2) Exemptions - Nothing in this Schedule applies to a person who:-

{i} is registered as a blind person in a register compiled under section 29 of The National Assistance Act 1948; or{ii} has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

(3) For the purpose of this Schedule, each of the following is a "prescribed charity":

{i} Dogs for the Disabled (registered charity number 700454);{ii} Support Dogs {registered charity number 1088281}; and{iii} Canine Partners for Independence {registered charity number 803680}.

## Schedule 3 Dogs excluded (Year round prohibition)

(1) No dogs at any time:

- (a) All Fenced Children's Play Areas.
- (b) All Multi Use Games (MUGAs), Play Adventure, Athletics, Trampoline areas or arenas.
- (c) All ball courts. For the avoidance of doubt this includes tennis, basketball and netball courts.
- (d) All BMX and Skate Park areas or arenas.
- (e) All Bowling Greens, Pitch and Put and Crazy Golf areas or arenas.
- (f) To enter the water in Stanley Park Boating Lake, Stanley Park Ornamental Ponds, and Marton Mere Lake.
- (g) The Playing Area of All Marked Sports Pitches when in use.
- (h) Stanley Park-those areas shown in Plan 2 hatched red.

(2) Exemptions - Nothing in Schedule 3 applies to a person who:-

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or(ii) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance (dog must be clearly marked as assistance); or(iii) has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

## Schedule 4 Dogs excluded (Seasonal prohibition)

No dogs at any time between 1 May and 30 September in each year -

(1) The areas of beach, including all steps, slades and footways, from North Pier in a southerly direction to a point opposite the Solaris Centre identified by the modern art structure commonly referred to as the Mirror Ball.

(2) Exemptions - Nothing in Schedule 4 applies to a person who:-

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or(ii) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance (dog must be clearly marked as assistance); or(iii) has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

## Schedule 5 Dogs on leads

### Dogs on leads year round

(1) All public roads including (but not by way of limitation), pavements, footways, alleyways and ginnels, whether adopted or un-adopted, whether gated or ungated within the administrative area of Blackpool Borough Council as shown in Plan 1, and

(2) Public open space areas, parks, recreational/amenity areas, gardens as described below:

- (a) All Cemeteries and Churchyards
- (b) All Car Parks
- (c) Tram Tracks and adjacent footpaths.
- (d) Promenades between North and South Piers, being the open areas of land from the carriageway and or tram track and the beach.
- (e) Jubilee Gardens, Gynn Square
- (f) Cenotaph, adjacent to North Pier
- (g) Marton Mere Local Nature Reserve
- (h) Fylde Memorial Arboretum, Moor Park Avenue
- (i) South Promenade Tram Track Grass Embankments
- (j) Starr Gate Tram Loop
- (k) George Bancroft Park

### Dogs on leads - seasonal

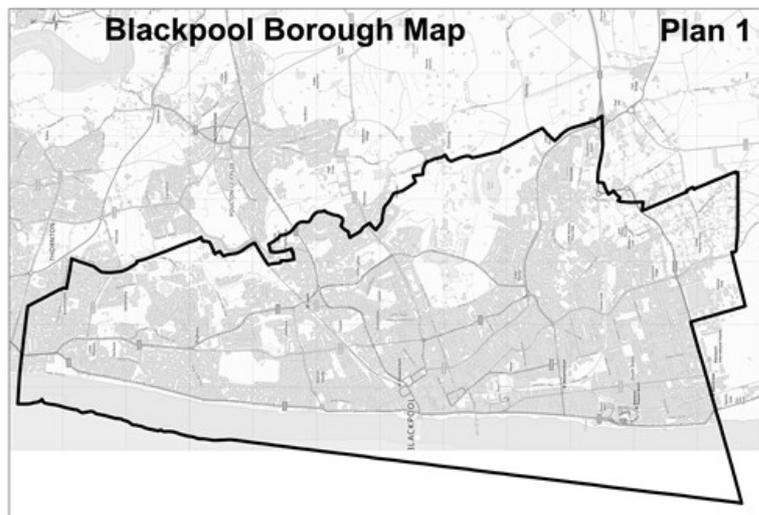
(3) Dogs must be on leads at all times between 1 May and 31 August between 10.00 a.m. and 4.00p.m. in each year in the area described below and as shown hatched red in Plan 3

- (a) Stanley Park

## Schedule 6 Dogs on leads by request

(1) All public places within the administrative area of Blackpool Borough Council as shown in Plan 1 "Public Place" in this Order means any place which is:-(i) open to the air (which includes land which is covered but open to the air on at least one side); and(ii) to which the public or any section of the public are entitled or permitted to have access (on payment or otherwise), as of right or by virtue of express or implied permission.

Other than land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.



## STANLEY PARK

### DOG EXCLUSION ZONES

Plan 2



## STANLEY PARK

### DOG ON LEADS SEASONAL 1ST MAY - 31ST AUGUST

Plan 3





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