



**CHESHIRE EAST BOROUGH COUNCIL  
EXTENSION OF A PUBLIC SPACES PROTECTION ORDER  
DOG FOULING AND DOG CONTROL**

Cheshire East Borough Council (the Council) having been satisfied that activities had been carried out in the Restricted Area defined in the Original Order therein (and delineated by the map attached at Annex A), which had a detrimental effect on the quality of life of those in the locality and the effect of which were or were likely to be of a persistent or continuing nature and likely to be such as to make the activities unreasonable so as to justify the restrictions imposed, made a Public Spaces Protection Order (the 'Original Order').

The Original Order took effect on 1st November 2017 and had a duration of 3 years (the 'Duration') under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014 (the 'Act'). The order was then extended under section 60(2) Anti-Social Behaviour, Crime and Policing Act 2014 to for a period of 3 years commencing on 1st November 2020.

The Council has consulted as required by Section 72 of the Act and is satisfied that it is necessary, in order to prevent the occurrence or recurrence after the Duration of the Original Order of the activities identified in the Original Order, or an increase in the frequency or seriousness of those activities identified in the Original Order after that time, to extend the Original Order.

**Cheshire East Borough Council therefore has exercised its power under section 60(2) Anti-Social Behaviour, Crime and Policing Act 2014 to extend the Original Order (through this 'Extended Order') for a period of 3 years commencing on 1st November 2023 so as to:**

## **PROHIBIT**

### **Part 1 - Dog Fouling**

1. If a dog defecates at any time on land to which this part of the Original Order as extended by this Extended Order applies, and the 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 that person can show that:-

(a) they have 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 that person failing to do so;

2. This part of the Original Order as extended by this Extended Order continues to apply to all public places in the Borough of Cheshire East Council in the Restricted Area as delineated by the Map attached at Annex A

For these purposes, a "public place" continues to mean any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. For the purpose of this part of the Original Order as extended by this Extended Order:
- (a) placing the faeces in a receptacle on the land which is provided for this 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;

## **REQUIRE**

### **Part 2 - Dogs on lead by direction**

4. A person in charge of a dog will be guilty of an offence if at any time, on land to which this part of the Original Order as extended by this Extended Order applies, if they fail to comply with a direction given to them by an authorised person to put and keep the dog on a lead for such period and/or in such circumstances as directed by the officer, unless that person can show that:-

(a) they have 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 that person failing to do so.

5. For these purposes, a "lead" means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

6. This part of the Original Order as extended by this Extended Order applies to all public places in the Borough of Cheshire East Council. For these purposes, a "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

7. For the purposes of this part of the Original Order as extended by this Extended Order, an authorised person of the Council may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.

8 An authorised person for example a Police Constable, Police Community Police Officer or Council Officer must show authorisation when reasonably requested to do so. This can include a person who is not an employee of the Council.

### **Exemptions for Disabled People**

9. The dog fouling provisions in the Original Order as extended by this Extended Order do not apply to a person who:

- (a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; *or*

- (b) is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under the Care Act 2014; or
- (c) has a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that they cannot reasonably be expected to remove the faeces; or
- (d) has some other disability, such that they cannot reasonably be expected to remove the faeces.

10. For the purposes of the Original Order as extended by this Extended Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

### **Exemption for Working Dogs**

11. Nothing in the Original Order as extended by this Extended Order shall apply to the normal activities of a working dog, whilst the dog is working.

This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty’s armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting.

### **Other Matters**

12. For the purposes of the Original Order as extended by this Extended Order 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.

13. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this order, the burden will be on that person to prove that they satisfy the requirements of the exemption being relied upon.

**Failure without reasonable excuse to comply** with the prohibitions or requirements imposed by this Extended Order is an offence under **Section 67** of the **Anti-Social Behaviour, Crime and Policing Act 2014**. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale, namely **£1000.00**.

A constable or an authorised person may under **Section 68** of the **Anti-Social Behaviour, Crime and Policing Act 2014**, issue a fixed penalty notice to anyone if the constable or an authorised person has reason to believe that a person has committed an offence under **Section 67** of that Act in relation to this Extended Order.

**APPENDIX A:** A plan of the Restricted Area to which this Extended Order applies.

By order of Cheshire East Borough Council acting under the authority of its Environment and Communities Committee;

Dated:

APPENDIX A

# Cheshire East Borough Council

