



**CHESHIRE EAST BOROUGH COUNCIL
EXTENSION OF A PUBLIC SPACES PROTECTION ORDER
THE CARRS PARK, WIMSLOW 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 maps attached at Annex A, B & C), 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 19th October 2020 and had a duration of 3 years (the 'Duration') under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014 (the 'Act').

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 20th October 2023 so as to:

PROHIBITIONS

Part 1 – Prohibition against failure to remove dog faeces

1. A person in charge of a dog which defecates at any time on the area of the Carrs edged red on the attached "MAP A" shall contravene this part of this order if that person, without reasonable excuse or the consent of the owner, occupier, or other person or authority having control of the land not to do so, fails to remove the faeces from the land forthwith.
2. For the purpose of this part of the 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;

Part 2 – Prohibition against exceeding the maximum number of dogs

3. A person in charge of more than one dog shall contravene this part of this order if that person, without reasonable excuse or the consent of the owner, occupier, or other person or authority having control of the land to do so, at any time takes more than four dogs on to the area of the Carrs edged red on the attached “MAP A”
4. For the purpose of this part of the 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

REQUIREMENTS

Part 3 – Requirement in specified areas to place dogs on lead by direction

5. A person in charge of a dog on that part of the Carrs hatched in black on the attached “MAP B” shall contravene this part of this order if that person, without reasonable excuse or the consent of the owner, occupier, or other person or authority having control of the land to do so, fails 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
6. For the purposes of this part, “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.
7. For the purposes of this part of the 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 and or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worry or disturbance of any animal

Part 4 – Requirement in specified areas to keep dogs on a lead

8. A person in charge of a dog on that part of the Carrs hatched in black on the attached “MAP C” shall contravene this part of this order if that person, without reasonable excuse or the consent of the owner, occupier, or other person or authority having control of the land to do so, at any time fails to keep the dog on a lead.
9. For the purposes of this part, “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.
10. For the purpose of this part of the 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

Part 5 – Authorised Person

11. **An authorised person** for example a Police Constable, Police Community Support 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

Part 6 – Exemptions for Disabled People

12. The dog fouling provisions in **Part 1** of this 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 his 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.
13. For the purposes of this Part, 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.

Part 7 – Exemption for working dogs

14. Nothing in this 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

15. For the purposes of this 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.
16. 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.

In making this Order the Council certifies that it has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this 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 the constable or an authorised person has reason to believe has committed an offence under **Section 67** of that Act in relation to this Order.

APPEALS

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 a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order or Variation is made.

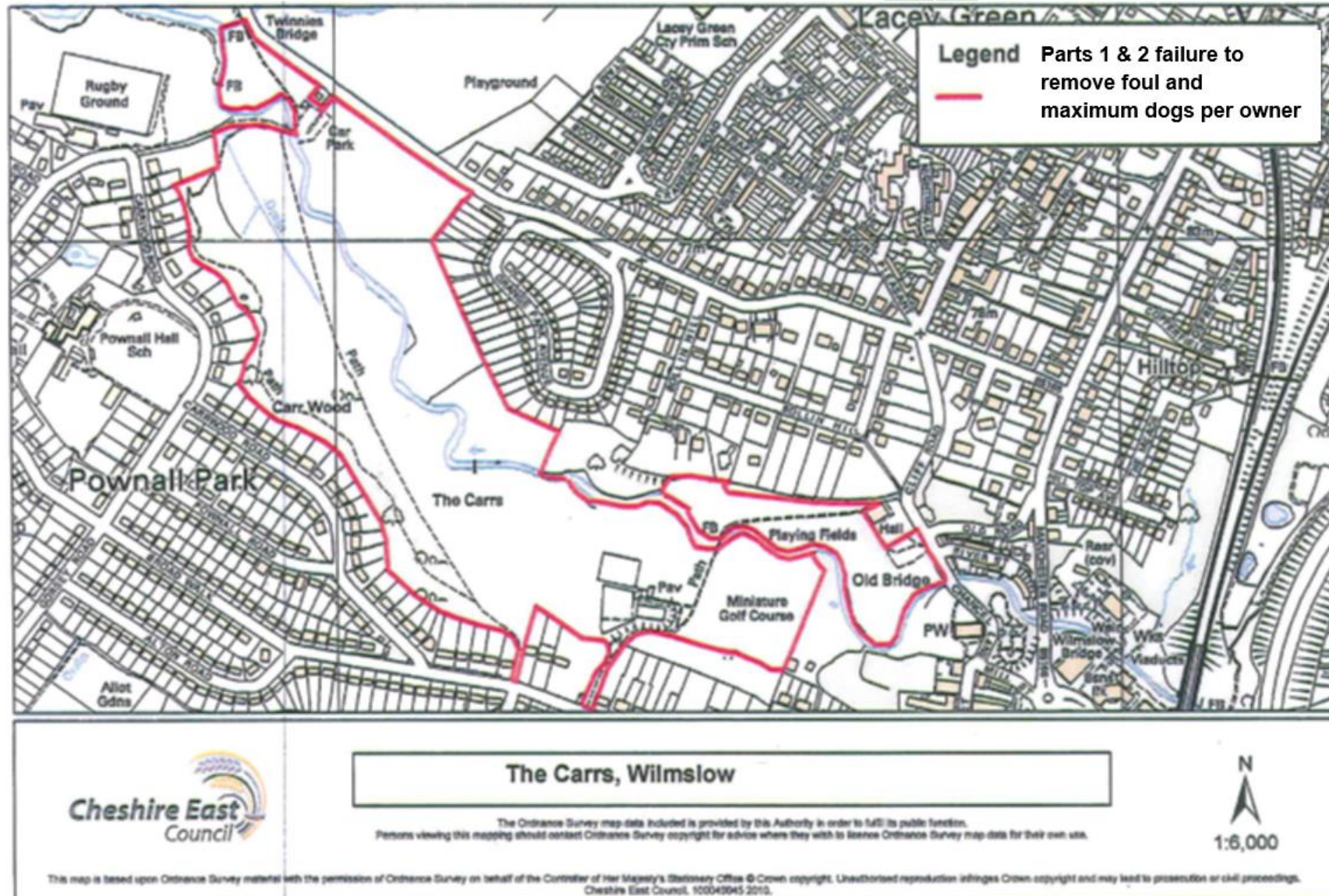
APPENDIX

1. **MAP A** – Map of area (outlined in red) in which Part 1 (1) and Part 2 (4) of this order apply
2. **MAP B** – Map of area (hatched in black) in which Part 3 (5) applies
3. **MAP C** – Map of areas (hatched in black) in which Part 4 (8) applies

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

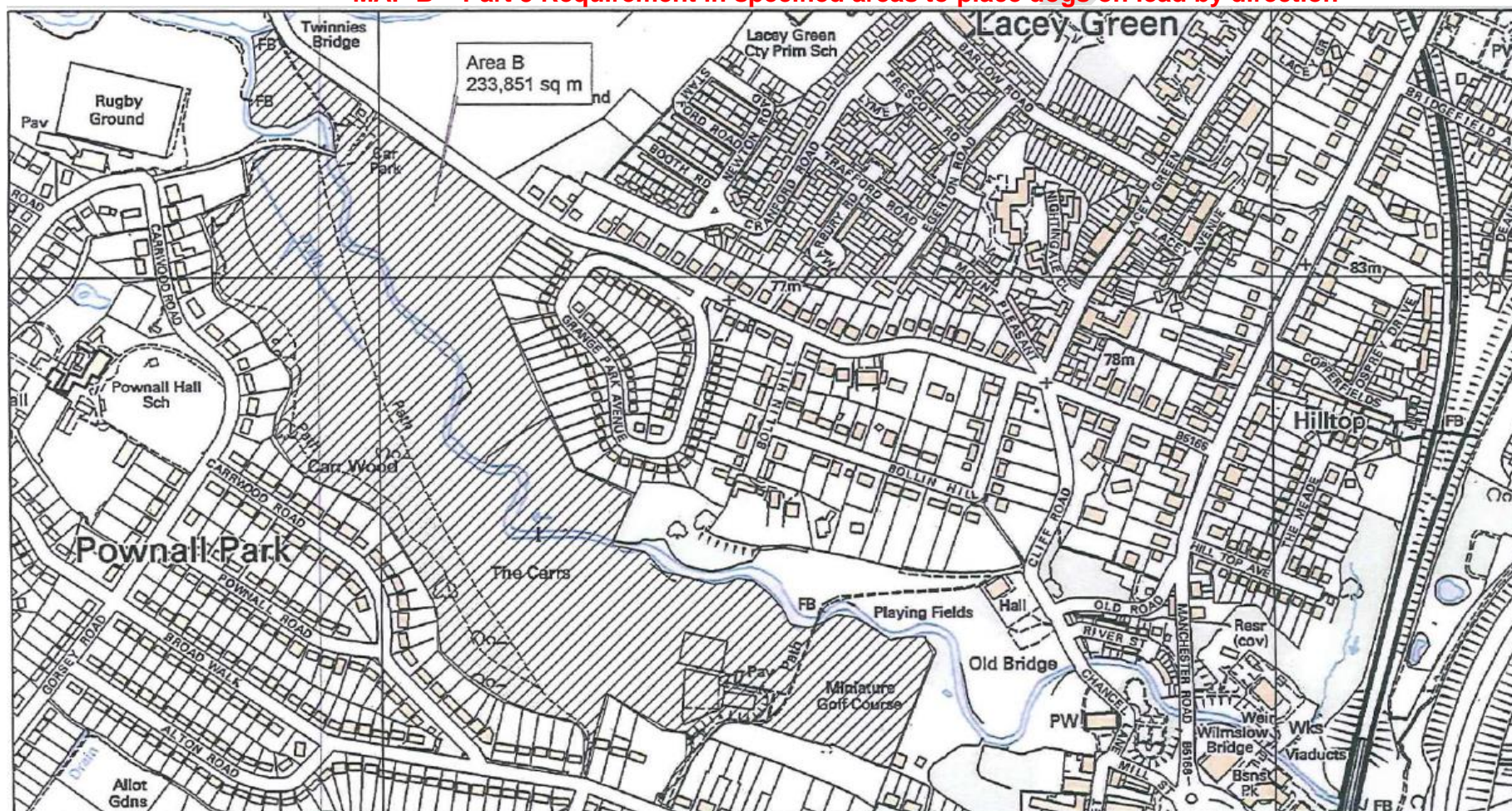
Dated:

CHESHIRE EAST BOROUGH COUNCIL
PUBLIC SPACES PROTECTION ORDER
THE CARRS, WILMSLOW
MAP A parts 1 & 2



CHESHIRE EAST BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER
THE CARRS, WILMSLOW

MAP B – Part 3 Requirement in specified areas to place dogs on lead by direction



The Carrs, Wilmslow - Dogs on Leads by Direction

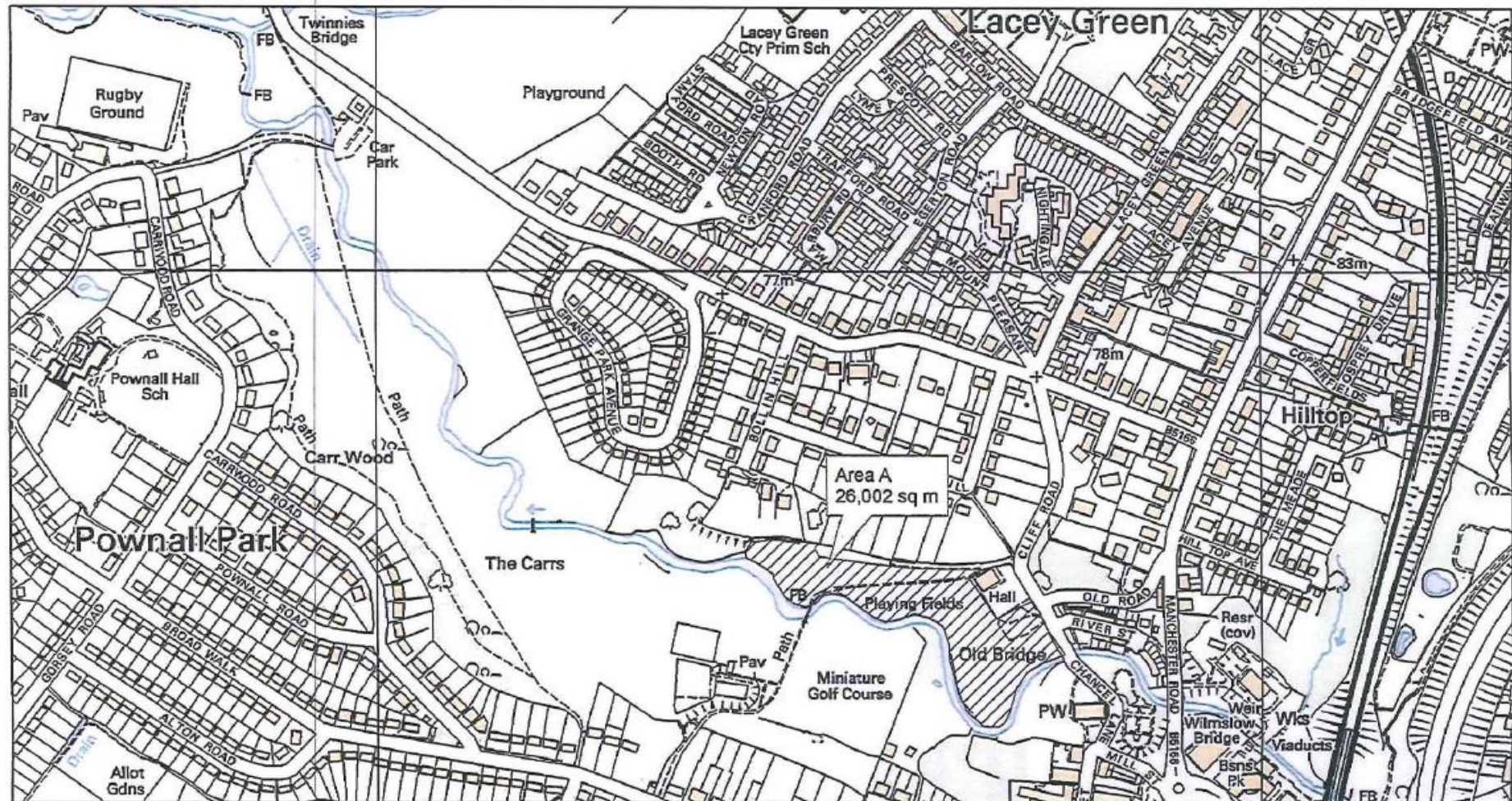


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CHESHIRE EAST BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER
THE CARRS, WILMSLOW
MAP C – Part 4 Dogs on Lead



The Carrs, Wilmslow - Dogs on Leads



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