

**The Anti-Social Behaviour, Crime and Policing Act 2014**  
**Public Spaces Protection Order (The Borough Council of Newcastle-under-Lyme) 2017 – Dog Controls**

The Borough Council of Newcastle-under-Lyme (in this order called “the Authority”) in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:-

This Order comes into force on 21<sup>st</sup> October 2017 for a period of 3 years.

## **Offences**

### **1. Fouling-failure to remove dog faeces**

If within the administrative area of the Authority a dog defecates at any time on land 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 and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence 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.

### **2. Dogs on Leads by Direction**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority 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 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.

An authorised officer may only give a direction under this order 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 another animal (including pets or wildlife).

### **3. Dogs on Leads Requirements**

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in **Schedule 1** below he does not keep the dog on a lead 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.

#### **4. Dog Exclusions**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in **Schedule 2** below 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.

#### **5. Maximum of Six Dogs**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes more than six dogs onto, or permits more than six dogs to enter or to remain on, any land detailed in **Schedule 3** below 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 doing so.

#### **6. Means to Pick Up Dog Fouling**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not have with him an appropriate means to pick up dog faeces deposited by that dog 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.

The person shall not be guilty of an offence if, on request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

#### **Exemptions & Definitions**

- i) Nothing in part 1 or part 4 of this order shall apply to a person who –
  - (a) is registered as a blind person in 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 disability which affects his 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 he relies for assistance.
- ii) For the purpose of this order –
  - (a) 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;
  - (b) 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 land;

- (c) 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
- (d) "an authorised officer of the Authority" means an employee, partnership agency or contractor of Newcastle-under-Lyme Borough Council who is authorised in writing by Newcastle-under-Lyme Borough Council for the purposes of giving directions under the Order.
- (e) Each of the following is a "prescribed charity" -
- Dogs for the Disabled (registered charity number 700454)
  - Support Dogs Limited (registered charity number 1088281)
  - Canine Partners for Independence (registered charity number (803680)
  - Dog A.I.D (Registered Charity Number 1124533)
  - Medical Detection Dogs (Registered Charity 1124533)

## Restrictions & Penalty

- i) The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the above activities. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- ii) It is an offence for a person without reasonable excuse to engage in activity which is prohibited by this Order.
- iii) No person shall:
- a. obstruct any authorised officer in the proper execution of their duties;
  - b. obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- iv) A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

By resolution of The Borough Council of Newcastle-under-Lyme dated 21<sup>st</sup> September 2017

The Common Seal of the  
Borough of Newcastle-under-Lyme was  
hereunto affixed this 4<sup>th</sup> day of October 2017  
in the presence of

Councillor *E. Sherratt*  
Authorised  
Official Signatory *[Signature]*



## **SCHEDULE 1**

This order applies to all:

- Borough Council Crematorium, churchyards and cemeteries, and closed church yards
- Formal gardens
- Marked out sports pitches
- Unfenced children's play equipment and a portion of the surrounding area, extending 20 metres in all directions from it.
- Fenced / enclosed portions of Apedale Country Park which are designated for wildlife conservation
- The northern portion of Bathpool Park, from its entrance and car park at Boathorse Road, along the main access path which runs from the car park at Boathorse Road, adjacent to the children's play area - and rugby pitches to its junction with footpath 146 which crosses the dam wall.
- Paths which adjoin Bathpool Reservoir Main Fishing Pool and continues on along the eastern side of Bathpool reservoir.
- Public Rights of Way: Kidsgrove 130 to the reservoir embankment 144, 146 & 182
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils as per their signs

## **SCHEDULE 2**

This order applies to:

- Fenced or enclosed children's play areas which are designated and marked for children's play
- Fenced or enclosed games areas, such as. tennis and ball courts, multisport areas, skate parks
- The grassed portion of all bowling greens
- Fenced or enclosed portions of Apedale Country Park which are designated for wildlife conservation
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils – as per their signs.

## **SCHEDULE 3**

- This order applies to: Apedale Country Park, Bateswood Country Park, Bathpool Park, Clough Hall Park, Silverdale Community Park, Lyme Valley Parkway, Birchenwood Country Park

## **Explanatory Note**

Further information in respect of this order is published at [www.newcastle-staffs.gov.uk/dogcontrols](http://www.newcastle-staffs.gov.uk/dogcontrols)