

PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2018

The Cannock Chase District Council Public Spaces Protection Order (Dog Control) 2018

This Order is made by Cannock District Council ("the Authority") under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, because it appears to the Authority that a Public Spaces Protection Order would reduce dog related anti-social behaviour taking place in the District.

This Order may be cited as the Cannock Chase District Council Public Spaces Protection Order (Dog Control) 2018.

The Council is satisfied that the conditions required for the introduction of a Public Spaces Protection Order have been met, in that:

(a) activities carried on in the relevant areas as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;

(b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

The effect of the Order is to impose the following requirements at all times:-

1 Dog Fouling

1.1 This Article applies to any land within the District of Cannock Chase which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order land which is open to the air on at least one side is to be treated as land which is open to the air. The order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.

1.2 If a dog defecates at any time on land to which this Order applies 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) that person has a reasonable excuse for not doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally and specifically) to his/her failure to do so.

1.3 If a person who is in charge of a dog does not have or produce when requested by an authorised person, a receptacle for picking up dog faeces, that person shall be guilty of an offence.

1.4 A receptacle is defined as any object capable of holding faeces pending its proper disposal.

1.5 For the avoidance of doubt if the person in charge of the dog fails to dispose of the faeces in a suitable bin provided for this specific purpose, or generally for the disposal of waste that person is guilty of an offence.

1.6 For the purpose of this Article –

(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) 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;

2 Dogs on Leads

2.1 This Article applies to all carriageways and adjoining footpath verges within 3 metres of such carriageways within the District of Cannock Chase. The Order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.

2.2 Any person in charge of a dog, at any time, who -

(i) fails to keep the dog on a lead in the specified areas, or

(ii) fails to put the dog on a lead when instructed to do so by an authorised person,

shall be guilty of an offence unless–

(a) he 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.

2.3 For the purposes of this Article 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.

2.4 For the purposes of this Article a lead shall be no more than 2 (two) metres in length.

3 Dog Exclusion

- 3.1 This Article applies to all children's play areas specified in Schedule 1 of this Order.
- 3.2 A person in charge of a dog shall be guilty of an offence if that person takes the dog onto, or permits the dog to enter or to remain within a fenced children's play area specified in Schedule 1 to this Order unless –
- a) the person has a reasonable excuse for doing 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.
- 3.3 For the purposes of this Article 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.

4 Maximum Number of dogs

- 4.1 This Article applies to any land within the District of Cannock Chase which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order land which is open to the air on at least one side is to be treated as land which is open to the air. The Order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.
- 4.2 The maximum number of dogs a person is permitted to be in control of on land to which this Order applies is 6 (six).
- 4.3 Any person in charge of more than one dog shall be guilty of an offence, if, at any time, that person takes more than the number of dogs specified in Article 4.2 on to land to which this Order applies unless –
- a) the person has a reasonable excuse for doing 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.
- 4.4 For the purposes of this Article 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.
5. The provisions of this Order shall not apply to a person with a disability who is accompanied by an assistance dog.
- 5.1 A person with a disability is defined under section 6(1) of the Equality Act 2010 (as amended) as a person with –
- (a) a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

5.2 An assistance dog is defined under section 173(1) of the Equality Act 2010 (as amended) as –

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects his/her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

PENALTIES

6.1 A person who is guilty of an offence of failing to comply with a requirement of this Order will be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale (currently £1,000) or if in receipt of a Fixed Penalty Notice to a penalty of £100.

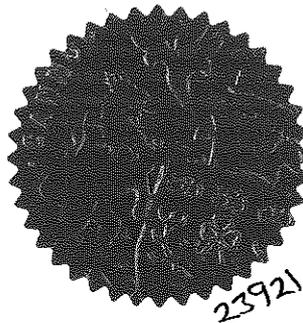
6.2 A person commits an offence if he fails to give his name and address when required to do so by an authorised person, or gives a false or inaccurate name or address to a person so authorised, when the authorised person proposes to give a person a Fixed Penalty Notice for failing to comply with a requirement of this Order. On summary conviction a person will be liable to a fine not exceeding Level 3 on the Standard Scale (currently £1,000).

Given under the Common Seal of Cannock Chase District Council

this...27th... day of ...July..... 2018

The COMMON SEAL of
CANNOCK CHASE DISTRICT COUNCIL
was hereunto affixed in the presence of:-

.....S. Baddley.....
Authorised Officer



Schedule 1

Fenced children's play areas and other areas from which dogs are to be excluded:

Arthur Street	Wimblebury
Bettys Lane	Norton Canes
Boston Close	Heath Hayes
Brownhills Road	Norton Canes
Chapel Street	Norton Canes
Hayes Way	Heath Hayes
Heath Hayes Park	Heath Hayes
Hednesford Park	Hednesford
Lingfield Road	Norton Canes
Meadow Way	Heath Hayes
St. Thomas Drive	Rawnsley
West Gate	Rawnsley
Williamson Avenue	Prospect Village
Bond Way	Pye Green
Bracken Close	Brindley Heath
Chester Road	Cannock
Cotswold Road	Pye Green
Elizabeth Way	Cannock
Elmore Park	Rugeley
Flaxley Road	Rugeley
Fortesque Drive	Rugeley
Green Lane	Rugeley
Hagley Skate Board Area	Rugeley
Hillary Crest	Rugeley
Jeffery Close	Rugeley
Ravenhill Park	Brereton
Rugeley Leisure Centre	Rugeley
Swallow Close	Rugeley
Barnard Way	Cannock
Bevan Lee Road	Cannock
Bunyan Place	Cannock
Cannock Park	Cannock
Monarch Park	Cannock
Oxford Green	Cannock
The Stadium	Cannock
Laburnum Ave	Cannock
Oxford Road	Cannock
Union Street	Bridgetown
Wellington Drive	Cannock
Wrights Avenue	Cannock