

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**FOULING OF LAND BY DOGS AND REQUIREMENT TO PRODUCE DEVICE FOR OR
OTHER SUITABLE MEANS OF REMOVING DOG FAECES
PUBLIC SPACES PROTECTION (CHORLEY BOROUGH COUNCIL) ORDER 2017**

The Chorley Borough Council (in this Order called “the Council”) under Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions set out in Section 59 of the Act have been met, hereby makes the following Order:

1. The Order comes into force on the _____ and shall last for three years unless otherwise extended by the Council
2. This Order applies to land specified in the Schedule.

Offence

3. (1) 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, then that person shall be guilty of an offence unless-
 - 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 them failing to do so.

(2) Nothing in this article applies 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. has a disability which affects their mobility, manual dexterity, physical co-ordination 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.

(3) For the purposes of this article-

- a. 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;
- b. 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;
- 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. Each of the following is a ‘prescribed charity’
 - i) Dogs for the Disabled (registered charity number 700454)

- ii) Support Dogs (registered charity number 1088281)
- iii) Canine Partners for Independence (registered charity number 803680).

4. (1) A person in charge and in the company of a dog on the land specified shall be guilty of an offence if, on the request of a constable or authorised person he or she fails to forthwith produce a device for or other suitable means of removing dog faeces and transporting it to a suitable waste disposal receptacle (whether or not the dog has defecated).

(2) The provisions of Article 3(1)(a), 3(1)(b), Article 3(2), Article 3(3)(a) and 3(3)(d) of this order shall apply to this Article 4.

Penalty

- 5. By virtue of Section 67 of the Act it is an offence for a person without reasonable excuse to be in breach of this Order.
- 6. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1,000) on the standard scale.
- 7. By virtue of Section 68 of the Act a constable or an authorised person may issue a fixed penalty notice not exceeding £100 to anyone he or she has reason to believe has committed an offence under Section 67 of the Act in relation to this Order.

THE COMMON SEAL of

CHORLEY BOROUGH COUNCIL

was hereto affixed the

day of 2020

in the presence of:-

SCHEDULE

Description of Land affected by the Order

- 1. Carriageways with a speed limit of 40 mph or less and adjoining footpaths and verges.
- 2. Adopted, publicly maintained footways, footway links and adjoining verges.
- 3. Privately maintained footpaths, footways, footway links, access ways, passages, back streets, roads, or carriageways and adjoining verges.
- 4. Land, which is a private footpath or bridleway and adjoining verges.

5. Land, which is used as a car park, parking bays, vehicle turning, waiting or stopping spaces, cycle or motorcycle parking space and adjoining footpaths, footways and verges.
6. Parks and open space maintained by Chorley Council
7. Land provided or used for public enjoyment, recreation and sporting or educational purposes.
8. Land, which is used as a market or fair or for the sale of goods.
9. Land, which is a nature reserve, site of biological heritage or County Park
10. Lever Park, Rivington
11. The Cuerden Valley Park, Clayton le Woods
12. Yarrow Valley Park, Coppull/Chorley
13. Land which is wooded public open space
14. Land adjacent to any inland waterway or enclosed body of water, which is a footpath, footway, towpath, boat mooring or launching site or adjoining verges.
15. Land, which is a site for the deposit by the public of materials to be recycled or a household waste disposal site and its adjoining footways, access-ways and car parking/waiting areas.
16. Land used for the consumption of food or drink in connection with any trade, business or undertaking supplying food or drink.
17. Land, which is any forecourt, terrace, yard or walkway providing access to or adjoining any building to which the public resort or have access to
18. Land, which is any platform, forecourt, waiting area, walkway or shelter at any bus, or rail station, hackney carriage rank or designated hackney carriage waiting place.
19. Land, which is used as memorial burial ground, cemetery, garden or remembrance and adjoining footpaths and verges.
20. All land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) within the Borough of Chorley including but not limited to parks, public open spaces and highways in the area.