

Appendix 2

DOG CONTROL ORDERS AND NEW ASB POWERS

Legislation (Dangerous Dogs Act 1991, Dogs Act 1971 and Animal Welfare Act 2006)

Where dogs should be kept on a lead on public open space?

The Councils current powers in relation to dogs on leads can be found in two Control Orders which were made by the Council in 2012:

The DOGS ON LEADS (CHORLEY COUNCIL) ORDER 2012 and the DOGS ON LEADS BY DIRECTION (CHORLEY COUNCIL) ORDER 2012.

The primary principle of dog control is clearly that dog owners are responsible for ensuring that their dogs are under control at all times, and this can be done by owners having well trained dogs that 'walk to heel' and obey command without hesitation.

If the owner (or person in control of dog at the time) is not confident that they can control the dog in this way then the default position should be that they keep the dog on a lead when in public. This is not a legal requirement but is good evidence of responsible dog ownership.

However there are places and occasions when a dog must be on a lead irrespective of its level of training and obedience, not only as an added control measure for the owner but also as reassurance to others in the area that the dog is under control –in particular this is the case on pavements, roads, around residential areas and public space where other activities may be taking place Hence the Dogs on Leads (Chorley Council) Order 2012 has a schedule of places where it is an offence to have a dog off a lead. These places are:

1. Any road or carriageway 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. Footpaths, walkways and paths linked or associated with play areas owned by Chorley Council.
4. Land provided or used for public enjoyment, recreation and sporting or educational purposes during an organised activity on that land.
5. Land, which is used as a market or fair or for the sale of goods.
6. Land used for the consumption of food or drink in connection with any trade, business or undertaking supplying food or drink.
7. 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.
8. 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.
9. Land, which is used as memorial, burial ground, cemetery, garden or remembrance and adjoining footpaths and verges.

It should be noted that (2) relates to 'made up' (flagged, tarmac) pavements and footpaths and that unmade public footpaths are not included e.g. of the type of path in a country park or in the countryside in general.

Failure to have a dog on a lead in these places in the first instance could result in a fixed penalty notice (£75) being issued to the owner (or person in control of dog at the time)

The Dogs on Leads By Direction (Chorley Council) Order 2012 gives authorised officers (Neighbourhood Officers and PCSO's) the power to direct the dog owner (or person in control of dog at the time) to put the dog on a lead where the officer believes the dog is causing a nuisance or out of control. This Order specifies certain places where officers can use this power:

1. Open to the air (which includes land that is covered but open to the air on at least one side):
and
2. to which the public are entitled or permitted to have access with or without payment.

The purpose of this power is generally for use at events on public open space such as Picnic in the Park. Failure to abide by a direction from an officer is an offence which is dealt with by fixed penalty notice (£75)

In addition the Council has a dog control Order which excludes dogs from certain places, the DOGS EXCLUSION (CHORLEY COUNCIL) ORDER 2012.

This Order prohibits dogs from certain Council owned areas as follows:

1. Play area
2. Multi use games area and ball court
3. Bowling green (except the Order shall not apply to the perimeter footpath around the said bowling green)
4. Skate park, BMX track or youth shelter
5. Sports pitch at such times as when an organised sporting activity is taking place
6. Fountain, water feature, pond or ornamental lake
7. Cemetery or crematorium grounds (except that the Order shall not apply to highways or footpaths within the said cemetery or crematorium grounds).

In terms of (6) it should be noted that the intention of the Order is not to prevent dogs accessing large bodies of water. Failure to abide by this Order is also dealt with by fixed penalty notice (£75)

Finally the recent introduction of new anti-social behaviour powers under the Anti- Social Behaviour Crime and Policing Act 2014 was reported to Executive Cabinet last year and includes a replacement power for the above Control Orders. This is the Public Space Protection Order (PSPO) and the Council will need to have PSPO's in place before the above Orders expire in mid-2017. PSPO's are intended to restrict activities/behaviour on public land that could give rise to or are causing anti-social behaviour. For information there are a number of tests that have to be passed for a PSPO to be made.

Current Home Office guidance suggests that the activity/behaviour being restricted has to: behaving, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable.

Therefore in translating the above tests into a PSPO that restricts behaviour/activity such as having a dog off a lead in a public space will no doubt generate some interesting debate.

Appendix 3

Summary of UK legal requirements

This is a summary of the legal situation in plain English. Please refer to the air navigation order on the CAA site for specific details.

The operation of the aircraft must not endanger anyone or anything.

The aircraft must be kept within the visual line of sight (normally taken to be within 500 m horizontally and 400 ft vertically) of its remote pilot (i.e. the 'person in charge' of it). Operations beyond these distances must be approved by the CAA (the basic premise being for the operator to prove that he/she can do this safely).

Small unmanned aircraft (irrespective of their mass) that are being used for surveillance purposes are subject to tighter restrictions with regard to the minimum distances that you can fly near people or properties that are not under your control. If you wish to fly within these minima, permission is required from the CAA before operations are commenced.

CAA permission is also required for all flights that are being conducted for aerial work (i.e. in very simple terms, you are getting paid for doing it).

The 'remote pilot' has the responsibility for satisfying him/herself that the flight can be conducted safely.

The aircraft must not be flown:

- over or within 150 metres of any congested area
- over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft
- within 50 metres of any person except during take-off or landing, the aircraft must not be flown within 30 metres of any person except for the person in charge of the aircraft.

Details of UK restricted airspace can be found at www.skydemonlight.com

Careful note should be taken that the collection of images of identifiable individuals, even inadvertently, when using surveillance cameras mounted on a small unmanned surveillance aircraft, will be subject to the Data Protection Act. As this Act contains requirements concerning the collection, storage and use of such images, Small Unmanned Aircraft operators should ensure that they are complying with any such applicable requirements or exemptions. Further information about the Data Protection Act and the circumstances in which it applies can be obtained from the Information Commissioner's Office and website: www.ico.org.uk

Civil Aviation Authority . Small Unmanned Aircraft (20kg or less) Specific regulations

For aircraft of 20 kg or less, these are referred to as a 'small unmanned aircraft', for which the requirements are a little less stringent and are covered within Articles 166 and 167.

Article 166

1. A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

2. The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.
3. The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.
4. The person in charge of a small unmanned aircraft which has a mass of more than 7 kg excluding its fuel but including any articles installed in or attached to the aircraft at the commencement of its flight, must not fly such an aircraft:
 - a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
 - b) within an aerodrome traffic zone during the notified hours of watch of the air traffic unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
 - c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) above and in accordance with the requirements for that airspace.
5. The person in charge of a small unmanned aircraft must not fly such an aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Small Unmanned Surveillance Aircraft

Article 167

1. The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.
2. The circumstances referred to in paragraph (1) are:
 - a) over or within 150 metres of any congested area;
 - b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
 - d) subject to paragraphs (3) and (4), within 50 metres of any person.
3. Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.
4. Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.
5. In this article 'a small unmanned surveillance aircraft' means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Appendix 4

SCHEDULE 1 - LIST OF GROUNDS

The Grounds referred to in byelaw 2 are:

PARKS, PLAYING FIELDS AND RECREATION GROUNDS

- Astley Park, Chorley
- Westway Playing Fields, Astley Village, Chorley
- Buttermere Green, Chorley
- Canal Basin, Chorley Old Road, Whittle-le-Woods
- Carr Brook Linear Park
- Chancery Road Pony Field (Derian House)
- Chisnall Hall Playing Fields, Coppull
- Cottage Fields, Eaves Green, Chorley
- Coronation Recreation Ground, Devonshire Road, Chorley
- Denham Hill Quarry, Holt Lane, Brindle
- Duxbury Park
- Duxbury Park Golf Course
- Fairview Community Centre Playing Pitches
- Gillett Playing Fields, Limbrick
- Gillibrand Playing Fields
- Harper's Lane Recreation Ground, Erskine Road, Chorley
- Jubilee Playing Fields, Park Road, Adlington
- King George's Field, Chorley Road, Adlington
- Ranglett's Recreation Ground, Brindle Street, Chorley
- School Lane Playing Field, Brinscall
- Tatton Recreation Ground, Silverdale Road, Chorley
- Wigan Lane Playing Field, Chorley
- Withnell Linear Park, Railway Road, Brinscall
- Yarrow Valley County Park, Birkacre Road, Coppull

EQUIPPED PLAY AREAS

- Abbey Village Play Area, Bolton Road, Abbey Village
- Amber Drive Play Area, off Yarrow Road, Chorley
- Astley Park, Chorley
- Briarswood Play Area, Eccleston, Chorley
- Broom Close Play Area, Clayton-le-Woods
- Buttermere Green Play Area, Chorley
- Canal Basin, Chorley Old Road, Whittle-le-Woods
- Carr Brook Trim Trail, Clayton-le-Woods
- Clematis Close Play Area, Chorley
- Coronation Recreation Ground, Devonshire Road, Chorley
- Dahlia Close Play Area, Clayton-le-Woods
- Eaves Green Play Area, Community Centre, Chorley
- Fairview Community Centre Play Area, Adlington
- Foxcote Play Area, Astley Village, Chorley
- Gough Lane Play Area, Clayton-le-Woods
- Grafton Street Play Area, Adlington
- Grey Heights View Play Area, Chorley
- Harper's Lane Recreation Ground, Erskine Road, Chorley
- Harvest Drive Play Area, Whittle-le-Woods
- Hawshead Avenue Play Area, Euxton

- Hurstbrook Play Area, Coppull
- Jubilee Recreation Ground, Park Road, Adlington
- Jubilee Way Play Area, Croston
- King George's V Play Area, Chorley Road, Adlington
- Knowley Brow Play Area, Heapey Road, Chorley
- Lodge Bank Play Area, Brinscall
- this is a parish council site
- Middlewood Close Play Area, Eccleston
- Milestone Meadow Play Area, Euxton
- Orchard Drive Play Area Whittle-le-Woods
- Osbourne Drive
- Railway Park Ballcourt, Brinscall
- Ranglett's Recreation Ground, Brindle Street, Chorley
- Redwing Drive, Chorley
- Stanstead Road Play Area, Stansted Road, Chorley
- Tarnbeck Drive Play Area, Mawdesley, Ormskirk
- Tatton Recreation Ground, Silverdale Road, Chorley
- The Bowers Play Area, Chorley
- The Willows Play Area, Chorley
- The Rydings Play Area, Whittle-le-Woods
- Union Street, Whittle-le-Woods, Chorley
- Wymott Park Play Area, Ulnes Walton
- Yarrow Valley Play Area, Coppull