

**Wigan Borough Council
Public Spaces Protection Order [Dog Control] 2022
Anti-Social Behaviour, Crime and Policing Act 2014, Part 4**

Wigan Borough Council in exercise of the powers conferred on it by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 makes the following Order-

1. Citation

This Order may be cited as the **Wigan Borough Council Public Spaces Protection Order [Dog Control] 2022** and for the purposes of any enforcement proceedings, Notices, documents or correspondence the short title **Dog Control Order** may be given.

2. Interpretation

(1) In this Order the expressions "the Authority" or "the Council" shall mean Wigan Borough Council whose principal offices are Wigan Council, Town Hall, Library Street, Wigan, WN1 1YN

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

(3) For the purposes of this Order a person who habitually has a dog in his/her 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) Any reference in the Schedules to this Order to "prescribed charity" shall mean any of the following charities —

- (a) **Dogs for the Disabled** (registered charity number 1092960);
- (b) **Support Dogs** (registered charity number 1088281);
- (c) **Canine Partners for Independence** (registered charity number 803680);
- (d) **Dog A.I.D.** (registered charity number 1098619);
- (e) **Dogs for Good** (registered charity number 1092960);
- (f) **Guide Dogs** (registered charity number 209617); and
- (g) **Hearing Dogs for Deaf People** (registered charity number 293358).

3. Effect

(1) This Order shall come into force on **9th March 2022**.

(2) This Order is made as the Council is satisfied on reasonable grounds that the two conditions prescribed by section 59(2) and (3) of the Act have been met, namely:

(a) The First Condition:

(i) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality ("the Activities"); or

(ii) It is likely that activities will be carried on in a public place within the Authority's area ("the Activities") and that they will have a detrimental effect on the quality of life of those in the locality;

and such Activities are set out in the respective **Schedules to this Order**

(b) The Second Condition:

The effect, or likely effect, of the Activities —

(i) is, or is likely to be, of a persistent or continuing nature,

(ii) is, or is likely to be, such as to make the activities unreasonable, and

(iii) justifies the restrictions imposed by this Order.

(3) This Order relates to each public place referred to in **Schedules 1, 2, 3 4, 5 and 6** to this Order ("the Restricted Areas") together with such other Schedules as may be included under any variation of the Order from time to time and —

(a) prohibits specified things from being done in the Restricted Area ("the Restrictions") as may be set out in the Schedules,

(b) requires specified things to be done by persons carrying on the Activities in the Restricted Area ("the Requirements"),

(c) or does both of those things.

4. Requirement to provide name and address

(1) For the purposes of enforcing the provisions of this Order any person who appears to a duly authorised officer of the Authority or to a Police Officer to be in charge of any dog to which the provisions of this Order apply shall confirm their full name, address and date of birth upon any request having been made in that respect whether verbally or in writing by any such officer and within such time as may be stipulated by that officer.

5. Offence of failing to comply with this Order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that a person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to the Order,

(4) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

6. Duration of Order

(1) This Order will remain in force for the period of **3 years** from the date that it comes into force specified in paragraph 3(1).

(2) Before the time when this Order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent —

- (a) an occurrence or recurrence after that time of the Activities, or
- (b) an increase in the frequency or seriousness of the Activities after that time.

(3) The Order may be so extended more than once.

7. Variation and discharge of the Order

(1) The Council may vary this Order —

- (a) by increasing or reducing the Restricted Areas;
- (b) by altering or removing a prohibition or requirement included in the Order, or adding a new one.

(2) Where the Council considers it appropriate to do so the Order may be discharged by the Council before the end of the period that the Order may remain in force specified in paragraph 6(1).

8. Challenging the validity of the Order

(1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely —

- (a) that the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- (b) that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the Order of variation.

Dated this 9th day of March 2022

EXECUTED as a DEED by affixing THE COMMON SEAL of WIGAN BOROUGH COUNCIL in the presence of:

Assistant Director Legal



SCHEDULE 1

The fouling of land by dogs

1. The Restricted Areas

(1) Any land within the Borough of Wigan which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

(1) If a dog defecates at any time on land to which this Schedule applies a person who is in charge of that dog shall remove the faeces from the land forthwith **unless —**

(a) that person 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/her failing to do so.

3. Exemptions

(a) is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

For the purposes of this Schedule —

(a) placing faeces in a receptacle on the land which is provided for that purpose, or for the disposal of waste, shall be 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 suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

4. Definition of suitable means of removing the faeces

For the purposes of this Schedule the definition of suitable means is any poop scoop bag, disposal bag or other suitable container to dispose of the dog faeces.

SCHEDULE 2

The exclusion of dogs from land

1. The Restricted Areas

(1) All enclosed children's playgrounds and all fenced sports pitches including multi use game sports facilities and bowling greens within the Borough of Wigan which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

(2) All marked sports pitches within the Borough of Wigan within defined dates which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Restrictions

(1) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraph 1(1) of this Schedule at any time;

(2) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraphs 1(2) of this Schedule at any time from:

- (i) 01 August – 31 May inclusive – Football pitches owned and managed by Wigan Borough Council
- (ii) 01 February to 31 October inclusive – Rugby pitches owned and managed by Wigan Borough Council

unless in the case of either of the restrictions described under paragraphs 2(i) and 2(ii) respectively of this Schedule —

(a) that 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/her doing so.

3. Exemptions

The offence does not apply to a person who:

(a) is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

SCHEDULE 3

Dogs on leads

1. The Restricted Areas

(1) Any land within the Borough of Wigan which is used as a memorial, burial ground, cemetery or garden of remembrance together with any forecourt, terrace, yard or walkway providing access, and together with adjoining verges, landscaped areas and gardens.

(2) Any land within the Borough of Wigan which is a designated carriageway (A or B classified roads) together with the adjoining footpaths and verges of such carriageways.

2. The Requirements

(1) A person in charge of a dog shall at all times keep the dog on a lead unless:

(a) that person 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/her failing to do so.

3. Exemptions

The offence does not apply to a person who —

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

4. Definition of a lead

For the purposes of this Schedule the definition of a lead is 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 used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 4

Dogs on leads by direction

1. The Restricted Areas

(1) Any land within the Borough of Wigan which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

(1) A person in charge of a dog shall comply with a direction given to him by an authorised officer or agent of the Council or by a police officer to put and keep the dog on a lead unless —

(a) that person 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/her failing to do so.

(2) For the purposes of this Schedule an authorised person may only give a direction under this Schedule to put and keep a dog on a lead if such restraint is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public on any land to which this Schedule applies and the behaviour would have a detrimental effect on the quality of life of the public.

3. Exemptions

The offence does not apply to a person who —

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

4. Definition of a lead

For the purposes of this Schedule the definition of a lead is 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 used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 5

Number of dogs walked by an individual

1. The Restricted Areas

(1) Any land within the Borough of Wigan which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

(1) A person in charge of a dog on land to which this order applies must restrict the number of dogs that can be walked by a single individual to **four dogs** unless:

(a) they have 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.

3. Exemptions

The offence does not apply to a person who —

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

SCHEDULE 6

Means to pick up

1. The Restricted Areas

(1) Any land within the Borough of Wigan which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

(1) A person in charge of a dog on land to which this order applies must have and produce the appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces, unless:

(a) they have 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.

3. Exemptions

The offence does not apply to a person who —

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or

(b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

(c) has a disability which affects his/her 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 that person relies for assistance.

4. Definition of suitable means of removing the faeces

For the purposes of this Schedule the definition of suitable means is any poop scoop bag, disposal bag or other suitable container to dispose of the dog faeces.