#### **APPENDIX A**



# **Consultation DRAFT**

**Public Spaces Protection Order – Dog Controls** 

February 2017. Ver1.1

# The Anti-Social Behaviour, Crime and Policing Act 2014 Public Spaces Protection Order (The Borough Council of Newcastle-under-Lyme) No. 2 of 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 xxxxxxxxxx 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

(a) 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 Order

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

(b) he has reasonable excuse for failing to do so:

or

(c) 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 to a bird or another animal.

# 3. Dogs on Leads Requirements

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in **Schedule 1** below he does not keep the dog on a lead unless

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(a) he has reasonable excuse for failing to do so;

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(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, (during the period specified in the schedule if stated),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, (during the period specified in the schedule if stated),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 failing to do 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 after on request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

# **Exemptions & Definitions**

- 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 charily 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) 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 xxxxxxxx 2017

The Common Seal of the Borough of Newcastle-under-Lyme hereunto affixed this....day of .......2017 in the presence of

Councillor

Official Signatory

# Public Spaces Protection Order (Newcastle-under-Lyme Borough Council) No. 2 of 2017 – Dog Controls



# Schedule 1 Dogs on Leads Requirements

#### 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

# Listing of Sites<sup>1</sup>

Location or site description	Duration when control applies / Comments
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<sup>&</sup>lt;sup>1</sup> This list of sites details the locations where this Order applies when it was made.

### Location or site description Duration when control applies / Comments Dog owners are able to take their dog Cemeteries, crematorium, and managed into / through these areas, provided it churchyards is kept under control. Keeping a dog on a lead is a mark of respect, and Cemeteries at: Attwood Street - Kidsgrove, Nantwich Rd – Audlev. minimises the risk of accidental Loomer Rd - Chesterton, Cotswold Ave - Knutton, Keele Rd damage to floral tributes, or urination Keele, Cemetery Rd – Silverdale, Lymewood Grove – Newcastle, on headstones Manor Rd, Madeley Chatterley Close Crematorium - Bradwell Dogs on leads requirement apply at Managed Churchyards at: St Giles – Newcastle, St George's – cemeteries, crematorium, and Newcastle, St Margaret's – Wolstanton, St Luke's – Silverdale, managed churchyards for the whole of Holy Trinity - Chesterton, St Thomas' - Kidsgrove, St Andrew's the year. Porthill, St Mary's – Mucklestone, All Saints – Madeley, St James' – Audley, St James' - Newchapel, St Martin's - Talke, St Thomas' -Mow Cop, St John's - Alsagers Bank, St Margaret's - Betley Dogs on leads requirement apply for **Formal Gardens** the whole of the year. Queen Elizabeth Park, Pooldam Queens Gardens, Iron Market Formally planted parts of Chesterton Park, Chesterton Formally planted parts of Clough Hall Park, Kidsgrove Oaklands Park. Porthill Dogs on leads requirement apply on Sports grounds all sports grounds for the whole of the Acacia Ave Ball Games Pitch Knutton vear. Albert Street -playing fields ball games pitch - Bignall End Alsagers Bank - ball games pitch -Halmerend Bathpool Park -rugby pitch (bookable) - Kidsgrove Beech Drive / Hollins playing fields -Clough Hall ball games pitch Birch House Road (Crackley Fields) football pitch (bookable) Birchenwood Country Park - marked pitches football pitch (bookable) Black Bank Road football pitch (bookable) - Knutton Bradwell Lodge Park - grassed areas ball games pitch - Porthill Chester Road - ball games football pitch (bookable) - Talke Chesterton Park - ball games area ball games pitch Clough Hall Park - grassed areas football pitch (bookable) Lower Milehouse Lane / Cotswold Avenue football pitch (bookable) - Knutton

Lyme Valley rugby pitch (bookable)

Ilkley Place ball games pitch - Silverdale

Lyme Valley football pitch (bookable) Newcastle

Deans Lane / Talke Road football pitch (Bookable) - Chesterton

Location or site description	Duration when control applies / Comments
Northwood Lane, Clayton ball games pitch	
Palmers Way ball games pitch - Newcastle	
Pheasant Walk ball games pitch - Loggerheads	
Red Street Comm. Centre pitches, Talke Rd Ball games pitch Red Street	
Roe Lane, Playing Fields football pitch (bookable) - Seabridge	
Salop Place football pitch (bookable) - Kidsgrove	
Scot Hay Play Area, Leycett Road Ball games pitch	
St Paul's Road ball games pitch - Thistleberry	
The Wammy football pitch (bookable) - Knutton	
Wharf Terrace / Heath Row ball games pitch - Madeley	
Wolstanton Marsh, Basford Park Road football pitch (bookable) - May Bank To be confirmed	
Apedale County Park  Portions of the park as marked by Staffordshire County Council	Dogs on leads requirement apply to areas marked by Staffordshire County Council, where necessary to safeguard plants or wildlife – e.g. ground nesting birds. Controls apply for the whole of the year.
https://www.staffordshire.gov.uk/environment/eLand/Countryside/OpenSpaces/OpenSpacesApedale.aspx	
Bathpool Park	Dogs on leads requirement apply on
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.	the listed paths for the whole of the year.
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	
Staffordshire County Council Countryside and Rights of Way map <a href="http://apps2.staffordshire.gov.uk/WEB/OnTheMap/RuralAccess">http://apps2.staffordshire.gov.uk/WEB/OnTheMap/RuralAccess</a>	
[The Peacocks Hay (southern) portion, and Public Right of Way 201 (bridle path) to Boathorse car park are NOT covered by this control]	
I	Dogs on leads requirement apply
Fishing Pools	
Fishing Pools Madeley Pool, Madeley	along any paths which adjoin the pool for the whole of the year.
	along any paths which adjoin the pool
Madeley Pool, Madeley	along any paths which adjoin the pool



# Schedule 2 Dogs Exclusions

#### **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.

### **Listing of Sites<sup>2</sup>**

Location or site description	Duration when control applies / Comments
Children's Play Area  Acacia Ave - Fenced Children's Play Equipment, Knutton LEAP	Controls apply through the year. Controls apply within the fenced compound, if the equipment is within a gated enclosure. However where play equipment does not have a perimeter fence immediately surrounding it, we would ask-require dog walkers to place their dogs on a lead when they are within 20 metres of it.
Albert Street - playing fields, Fenced Children's Play Equipment, Bignall End Alsager Road -Fenced Children's Play Equipment, Audley	
Alsagers Bank - play equipment Fenced Children's Play Equipment, Halmerend	they are within 20 metres or it.
Arnold Grove -Children's Play Fenced Children's Play Equipment, Bradwell NEAP	
Arthur Street / Moran Road Fenced Children's Play Equipment Knutton LEAP	
Ash View / Powy Drive / Medina Way -Fenced Children's Play Equipment, Kidsgrove	
Audley Road / Cedar Road -Fenced Children's Play Equipment, Waterhayes	
Bamber Place -Fenced Children's Play Equipment, Chesterton LEAP	
Barbridge Road / Ludford Close / Longclough Rd -Fenced Children's Play Equipment Waterhayes	
Bathpool Park - Children's Play Fenced Children's Play	

<sup>&</sup>lt;sup>2</sup> This list of sites details the locations where this Order applies when it was made.

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Location or site description	Duration when control applies / Comments
Equipment, Kidsgrove NEAP	
Beattie Avenue -Fenced Children's Play Equipment, Chesterton LAP	
Bignall End Road /Tibb Street -Fenced Children's Play Equipment, Audley	
Birch Dale Recreation Ground Unfenced Children's Play Equipment Madeley	
Bluebell Drive -Fenced Children's Play Equipment, Seabridge	
Bradwell Lodge Park - Children's Play Fenced Children's Play Equipment, Porthill LEAP	
Brampton Park -Fenced Children's Play Equipment, Newcastle LEAP	
Burtwood View /Hugo Way -Fenced Children's Play Equipment, Loggerheads LEAP	
Checkley Road -Waterhayes Fenced Children's Play Equipment, Chesterton	
Chester Road - Children's Play Fenced Children's Play Equipment, Talke LEAP	
Chesterton Park - Children's Play Fenced Children's Play Equipment, Chesterton NEAP	
Cheswardine Drive -Fenced Children's Play Equipment, Bradwell LEAP	
Clough Hall Park - Children's Play Fenced Children's Play Equipment, Clough Hall NEAP	
College Gardens / Daltry Way -Fenced Children's Play Equipment, Madeley LEAP	
Cotswold Avenue -Fenced Children's Play Equipment, Knutton	
Deans Lane -Fenced Children's Play Equipment, Red Street LEAP	
Douglas Road -Fenced Children's Play Equipment, Cross Heath NEAP	
Harrison Close -Unfenced Children's Play Equipment, Halmerend	
Hayhead Close -Fenced Children's Play Equipment, Kidsgrove	
Heritage Park / Silverdale Colliery -Fenced Children's Play Equipment, Silverdale	
Icky Picky / Croft Road / Honeywood -Fenced Children's Play Equipment, Newcastle LEAP	
Ilkley Place -Fenced Children's Play Equipment, Silverdale NEAP	
Ironbridge Drive -Fenced Children's Play Equipment, Silverdale LEAP	
Lockwood Street -Fenced Children's Play Equipment, Newcastle LEAP	
Loomer Road -Fenced Children's Play Equipment, Chesterton	
Lyme Valley (Buckmaster) -Fenced Children's Play	

Location or site description	Duration when control applies / Comments
Equipment, Clayton LEAP	
Lyme Valley (Remploy) -Fenced Children's Play Equipment, Newcastle NEAP	
Medina Way -Fenced Children's Play Equipment, Kidsgrove	
Merlin Way -Fenced Children's Play Equipment, Kidsgrove	
Moorland Road -Fenced Children's Play Equipment, Mow Cop LEAP	
Mount Road, Birchenwood -playground Fenced Children's Play Equipment, Birchenwood LEAP	
Oakdene Ave -Fenced Children's Play Equipment, Bradwell LEAP	
Oldcastle Avenue - play equipment and fenced games area Fenced Children's Play Equipment, Bradwell	
Powy Drive -Fenced Children's Play Equipment, Kidsgrove	
Rogers Avenue / Robertson Drive -Fenced Children's Play Equipment, Knutton LEAP/NEAP	
Rydal Way -Fenced Children's Play Equipment, Clayton LEAP	
Salop Place -Fenced Children's Play Equipment, Kidsgrove LEAP	
Scot Hay Play Area, Leycett Road -Fenced Children's Play Equipment, Scot Hay	
Silvermine Close -Fenced Children's Play Equipment, Kidsgrove	
Underwood Road / Pepper Street -Fenced Children's Play Equipment, Silverdale LEAP	
Victoria Road -Fenced Children's Play Equipment, Newcastle	
Whitehall Avenue - Children's Play Equipment Fenced Children's Play Equipment, Kidsgrove	
Wilmot Drive Ball Park -Fenced Children's Play Equipment, Knutton	
Wilson Street -Fenced Children's Play Equipment, Newcastle LEAP	
Wolstanton Marsh(Basford Park Road) -Fenced Children's Play Equipment, May Bank LEAP	
Wolstanton Park, Moreton Parade -Children's Play Fenced Children's Play Equipment, Wolstanton LAP	
Wroxham Way -Fenced Children's Play Equipment, Westbury Park LEAP	
Games Areas	
Bradwell Lodge Park - Bowling, Porthill, Bowling Green - <a href="http://streetmap.co.uk/grid/385093,348959,110">http://streetmap.co.uk/grid/385093,348959,110</a>	
Chesterton Park, Chesterton, Bowling Green - <a href="http://streetmap.co.uk/grid/383284,349233,110">http://streetmap.co.uk/grid/383284,349233,110</a>	
Clough Hall Park - Bowls, Clough Hall, Bowling Green -	

## Location or site description http://streetmap.co.uk/grid/383335.353906.110 Mount Road, Birchenwood – Multi use games area, Birchenwood, - http://streetmap.co.uk/grid/385106,354768,110 Queen Elizabeth Park, Pooldam, Thistleberry, Bowling Green http://streetmap.co.uk/grid/384444,345897,110 Silverdale Park, Vale Pleasant - bowling green and courts, Silverdale, Bowling Green http://streetmap.co.uk/grid/382061,346615,110 Westlands Sports Ground, Westlands, Bowling Green http://streetmap.co.uk/grid/384159,345049,110 Wolstanton Park, Moreton Parade - Bowling, Wolstanton, Bowling Green http://streetmap.co.uk/grid/385654.347858.110 Wesley Place - Pitch (Audley Parish Council), Halmerend, Ball Games Pitch - http://streetmap.co.uk/grid/379598,349049,110 Whitmore Village Hall (Whitmore Parish Council), Whitmore, Ball Games Pitch http://streetmap.co.uk/grid/379748,340427,110 Bradwell Lodge Park - Multi Use Games, Porthill, Multi Use Games / Ball Park http://streetmap.co.uk/grid/385093,348959,110 Clough Hall Park - Multi-use Court & Skate Ramp, Clough Hall, Multi Use Games / Ball Park http://streetmap.co.uk/grid/383392,353920,110 Douglas Road, Cross Heath, Multi Use Games / Ball Park http://streetmap.co.uk/grid/384022,347113,110 Loomer Road - ball court, Chesterton, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/382968,348609,110 Oakdene Avenue, Bradwell, Multi Use Games / Ball Park http://streetmap.co.uk/grid/384401,348971,110 Oldcastle Avenue, Bradwell, Multi Use Games / Ball Park http://streetmap.co.uk/grid/384308.349005.110 Riley's Field, Apedale Road, Audley, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/380968,349896,110 Orme Road- skate park, Thistleberry, Skate Park http://streetmap.co.uk/grid/384377,345854,110 Bradwell Lodge Park - Tennis, Porthill, Tennis Court http://streetmap.co.uk/grid/385093.348959.110 Chesterton Park - Tennis, Chesterton, Tennis Court http://streetmap.co.uk/grid/383284,349233,110

Clough Hall Park - Tennis, Clough Hall, Tennis Court http://streetmap.co.uk/grid/383332,353858,110

Mount Road, Birchenwood - Tennis Courts, Birchenwood, Tennis Court - http://streetmap.co.uk/grid/385145.354783.110

Silverdale Park, Brook Street, Silverdale, Tennis Court http://streetmap.co.uk/grid/382102,346631,110

Wedgwood Avenue, Westlands, Tennis Court -

Duration when control applies /

Comments

Location or site description	Duration when control applies / Comments
http://streetmap.co.uk/grid/384159,345049,110	
Wolstanton Park, Moreton Parade - Tennis, Wolstanton, Tennis Court - <a href="http://streetmap.co.uk/grid/385654,347858,110">http://streetmap.co.uk/grid/385654,347858,110</a>	
Apedale County Park	Some parts of Apedale Country part are specifically managed for nature
Lapwing paddock – to protect ground nesting birds	conservation and some areas have livestock. Dogs are excluded from the following key locations. Each of these sites is fenced and a sign will be displayed at entrances to the site
Hornbeam paddock 1 and 2 – for the safety of livestock	
Conservation / pond dipping area adjacent to visitor / energy centre, off Blackbank Road	
Conservation / pond dipping area adjacent to Apedale Heritage Centre, off Loomer Road	
https://www.staffordshire.gov.uk/environment/eLand/Countryside/OpenSpaces/OpenSpacesApedale.aspx	
Fishing Pools	Dogs <u>areshould</u> not <u>be</u> permitted in the water at designated fishing 'pegs'. Dog walkers <u>are required toshould</u> check for signs provided by the relevant angling clubs responsible for managing the sites.
Madeley Pool, Madeley	
Bateswood & Cloggers Pool, Halmerend	
Bathpool Reservoir Main Fishing Pool	
Legg of Mutton / Clough Hall Drive Pools, Talke	

# Public Spaces Protection Order (Newcastle-under-Lyme Borough Council) No. 2 of 2017 – Dog Controls



# Schedule 3 Maximum of six dogs

#### **SCHEDULE 3**

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

### Where controls will apply

Location or site description	Duration when control applies/ Comments
Apedale County Park	Current government guidance is that the maximum number of dogs which a person can control is six. Where more dogs are walked the risk that fouling may not be seen / removed, or that dogs can cause problems for other public space users or wildlife increases.
Bateswood County Park	
Bathpool Park	
Clough Hall Park	
Silverdale Community Park	
Lyme Valley Parkway	This control would apply in the places listed throughout the year
Birchenwood County Park	
,	Please note: Further restrictions in terms of dogs on leads or dog exclusions may also apply in parts of these areas.