

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**WYRE BOROUGH COUNCIL**

**DOG CONTROL AND DOG FOULING**

**PUBLIC SPACES PROTECTION ORDER 2017**

Wyre Borough Council (“the Council”) in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met hereby makes the following Order:-

1. The effect of this Order is to impose the following prohibitions and/or requirements in the public places described in the Schedules to this Order and where appropriate shown edged in red on the plans annexed to this Order.

Offences

**2. Fouling of Land by Dogs**

- (a) If a dog defecates at any time on land referred to in Schedule 1 of this Order and the 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:-
  - (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner/occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or
  - (iii) That person is subject to the exemptions listed in Article 8.

**3. Means to pick up dog faeces**

- (a) A person in charge of a dog on land referred to in Schedule 2 of this Order, shall be guilty of an offence, if, at any time, he does not comply with a direction given to him by an Authorised Officer of the Council to produce a device for or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) unless:-
  - (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner/occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or
  - (iii) That person is subject to the exemptions listed in Article 8.

#### **4. Dog on lead by direction**

- (a) A person in charge of a dog shall be guilty of an offence, if , at any time on land referred to in Schedule 3 of this Order, he does not comply with a direction given to him by an Authorised Officer of the Council to put and keep the dog on a lead unless:-
  - (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.
  
- (b) For the purpose of this Article:
  - (i) An Authorised officer of the Council may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any other animal or bird on any land to which this article applies.

#### **5. Dogs on leads**

- (a) A person in charge of a dog shall be guilty of an offence, if, at any time on land referred to in Schedule 4 of this Order, he does not comply with a direction given to him by an Authorised Officer of the Council to put and keep the dog on a lead unless:-
  - (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

#### **6. Dogs Excluded**

- (a) A person in charge of a dog shall be guilty of an offence, if, at any time he takes the dog onto, or permits the dog to enter or remain on land referred to in Schedule 5 of this Order unless:-
  - (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so; or
  - (iii) That person is subject to the exemptions listed in Article 8.

## **7. Maximum number of dogs**

- (a) A person in charge of more than one dog shall be guilty of an offence if, at any time he takes more than four dogs on land referred to in Schedule 6 of this Order unless:
- (i) That person has a reasonable excuse for failing to do so; or
  - (ii) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to doing so.

## **8. Exemptions**

- (a) Nothing in Articles 2, 3 and 6 shall apply to a person who –
- i. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - ii. 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
  - iii. who has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities including affecting 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 or such other charity/approved body as is considered appropriate by the Council and upon which he relies for assistance or
  - iv. is training an assistance dog for one of the prescribed charities or such other charity/approved body as is considered appropriate by the Council.
  - v. is not a person falling within the criteria mentioned in paragraphs i to v above but who the Council considers should be exempt due to the impairment of that particular person.
- (b) Nothing in the Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces and farm dogs that are being used to herd or drive animals.

For the purpose of this Order –

- 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;
- 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;

- 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;
- An “Authorised Officer of the Authority” means an employee, partnership agency or contractor of Wyre Borough Council who is authorised in writing by Wyre Borough Council for the purpose of giving direction under the Order.
- Each of the following is a “prescribed charity”.
  - Dogs for the Disabled (registered charity number 700454),
  - Support Dogs Limited (registered charity number 1088281),
  - Canine Partners for Independence (registered charity number (803680).

## **9. Penalty**

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **10. In Force**

This Order shall come into force on \_\_\_\_\_ for a period of three years.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

The Common Seal of Wyre Borough Council was hereto affixed in the presence of:

**Authorised Signatory**

## **SCHEDULES**

### **SCHEDULE 1 – FOULING OF LAND BY DOGS**

Subject to the exception in paragraph 3 below, Schedule 1 applies to all land which is within the administrative area of Wyre Borough Council and which is –

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
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

## **SCHEDULE 2 – MEANS TO PICK UP DOG FAECES**

Subject to the exception in paragraph 3 below, Schedule 2 applies to all land which is within the administrative area of Wyre Borough Council and which is –

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.
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

# **Schedule 3**

**Dogs on lead on direction**

## SCHEDULE 3 –

### DOGS ON LEAD BY DIRECTION

#### Description of Land to which Schedule 3 applies:

1. The areas of land listed below, which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the Borough of Wyre

<b>Garstang/Catterall sites:</b>	<b>Map Ref</b>
Canterbury Way Garstang	GC1
Derbyshire Avenue Garstang	GC2
Garstang Riverside Area	GC3

<b>Over Wyre sites</b>	
Bilsborrow Recreational Ground	OW1
Bob Williamson Park/Playing Field Hambleton, dog exercise area only	OW2A
Lancaster Avenue Great Eccleston	OW3
Pennine View Playing Fields Great Eccleston	OW4
Preesall Playing Fields	OW5
Shorrocks Avenue Playing Field St Michaels	OW6
Stalmine Playing Field	OW7

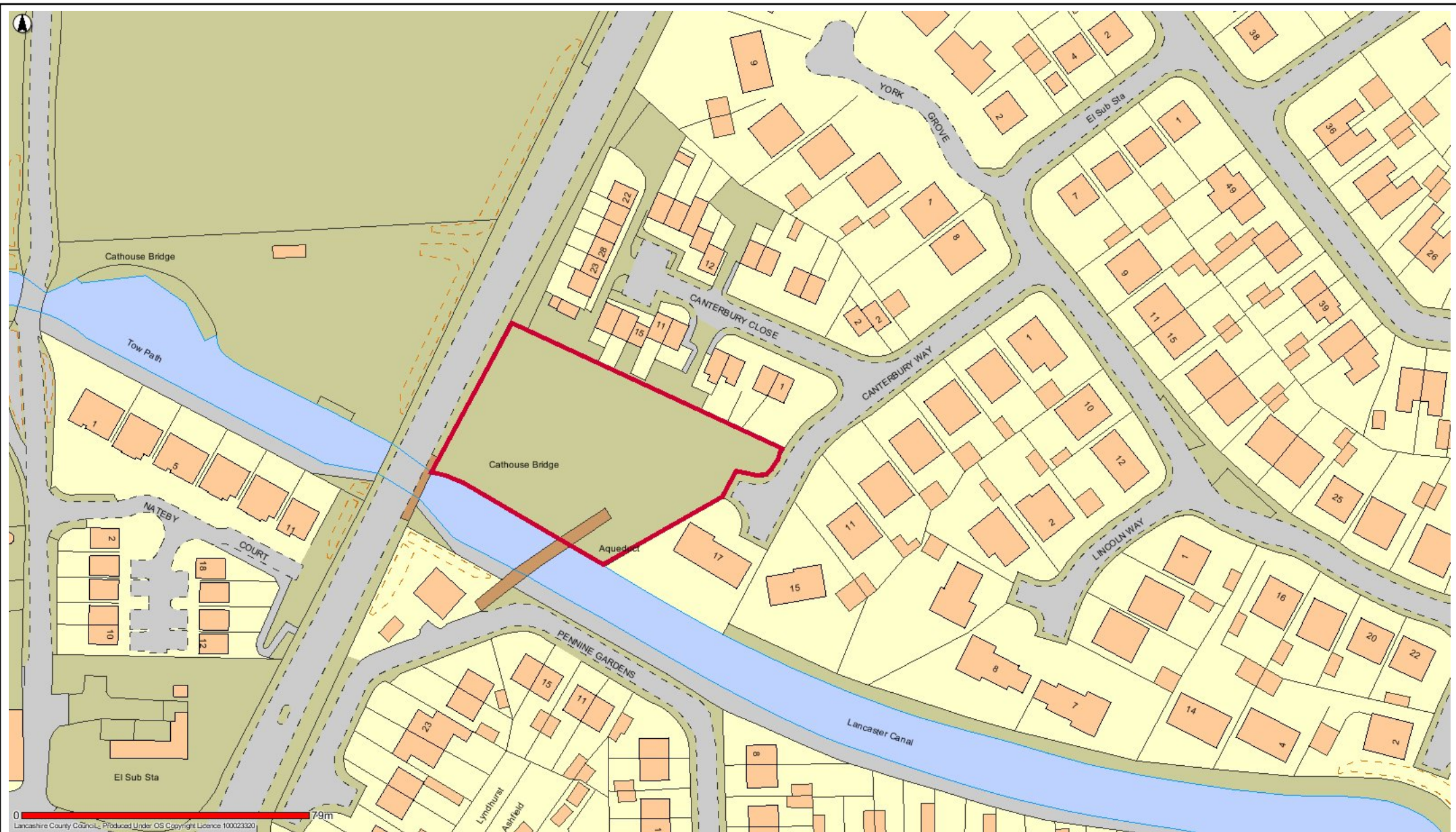
<b>Thornton/Cleveleys Area sites</b>	
Bourne Way Playing Fields	TC1
Branksome Avenue	TC2
Church Road Playing Field	TC3
Croasdale Drive Playing Field	TC4
Hargreaves St./Holly Road	TC5
Jubilee Gardens	TC6
Kenyon Park	TC7
King Georges Playing Field	TC8
North Drive Park	TC9
Pheasants Wood	TC10
The Towers	TC11
Wyre Estuary Country Park	TC12
Cleveleys Beach from Café Cove to Wyre boundary (out of ban season only)	TC13A

<b>Poulton/Carleton sites:</b>	
Caldicott Way/Donnington Road	PLF1
Civic Centre Playing Field	PLF2
Compley Ave POS	PLF3
Cottam Hall Playing Field	PLF4
Farnham Way	PLF5
Jean Stansfield/Vicarage Park	PLF6
Tithebarn Park	PLF7



<b>Fleetwood sites:</b>	<b>Map Ref</b>
Eskdale Avenue Park	FWD1
KGV Playing Field	FWD2
Memorial Park	FWD3
Mount Gardens	FWD4
Rossall Ecology Park	FWD5
Roundway	FWD6
Fleetwood Beach east side of slipway opposite end of Promenade Road eastward to the west wide of the former pier (out of ban season only)	FWD7A
Fleetwood Promenade from opposite Carr Road to the Five Bar Gate Rossall Beach	FWD8
Fleetwood Marsh Nature Park (subject to an SLA with LCC for enforcement)	FWD9

2. This Order does not apply to any land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

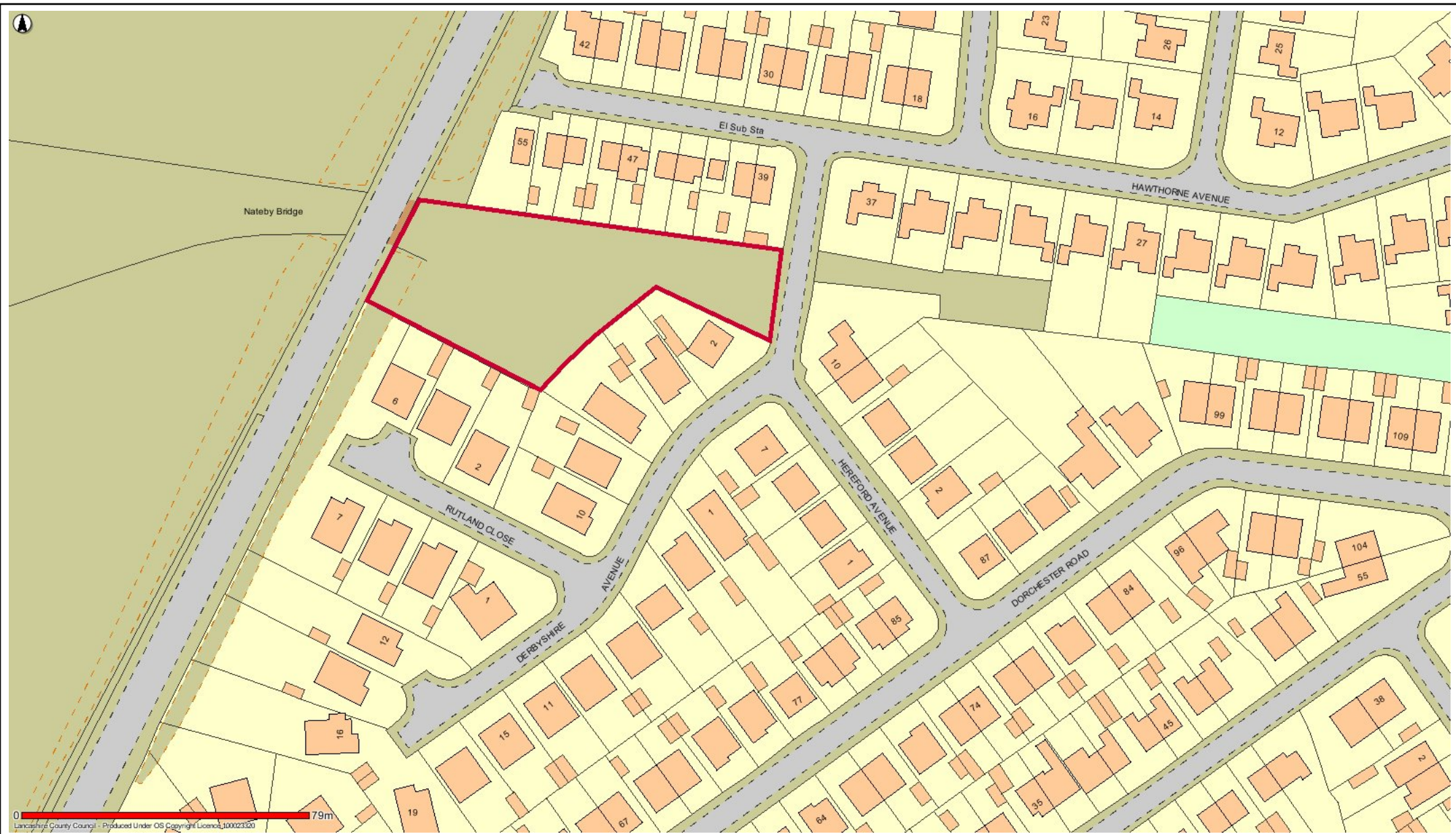


GC1 Canterbury Way Garstang



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GC2 Derbyshire Avenue Garstang



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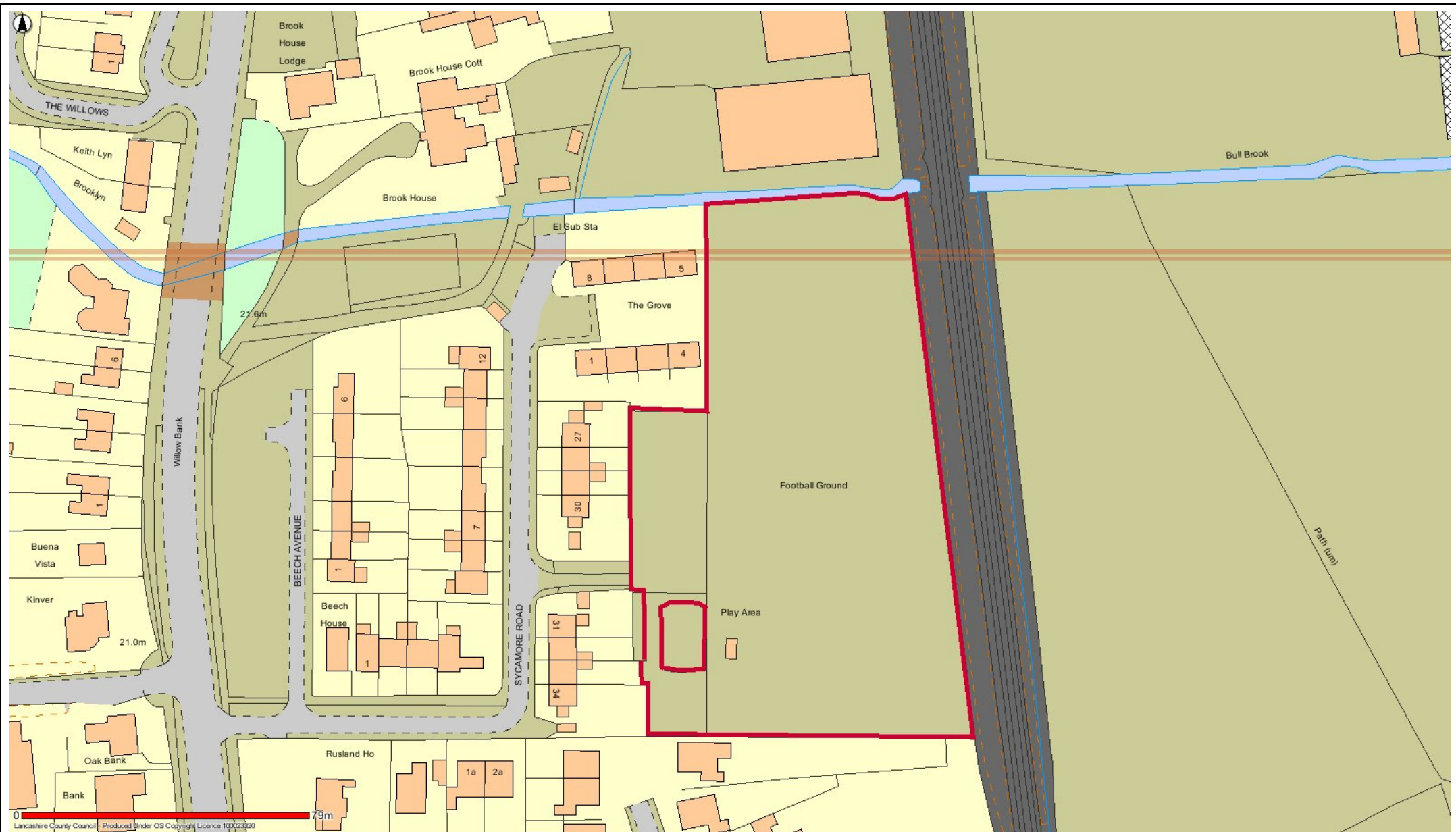


### GC3 Garstang Riverside Area



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### OW1 Bilsborrow Recreation Ground



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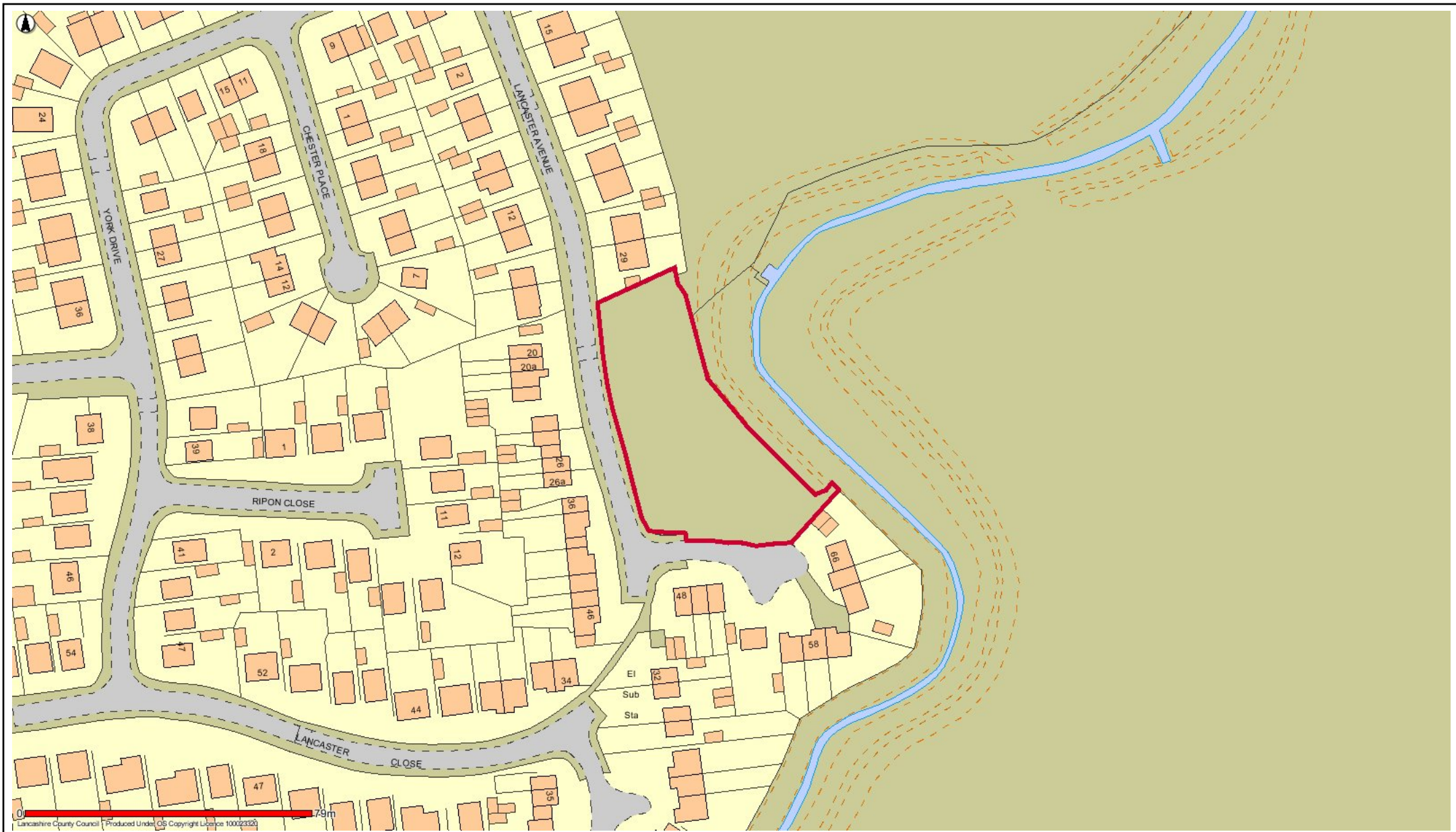


OW2A Bob Williamson Park/Playing Field Hambleton dog exercise area only



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OW3 Lancaster Avenue Great Ecclestone



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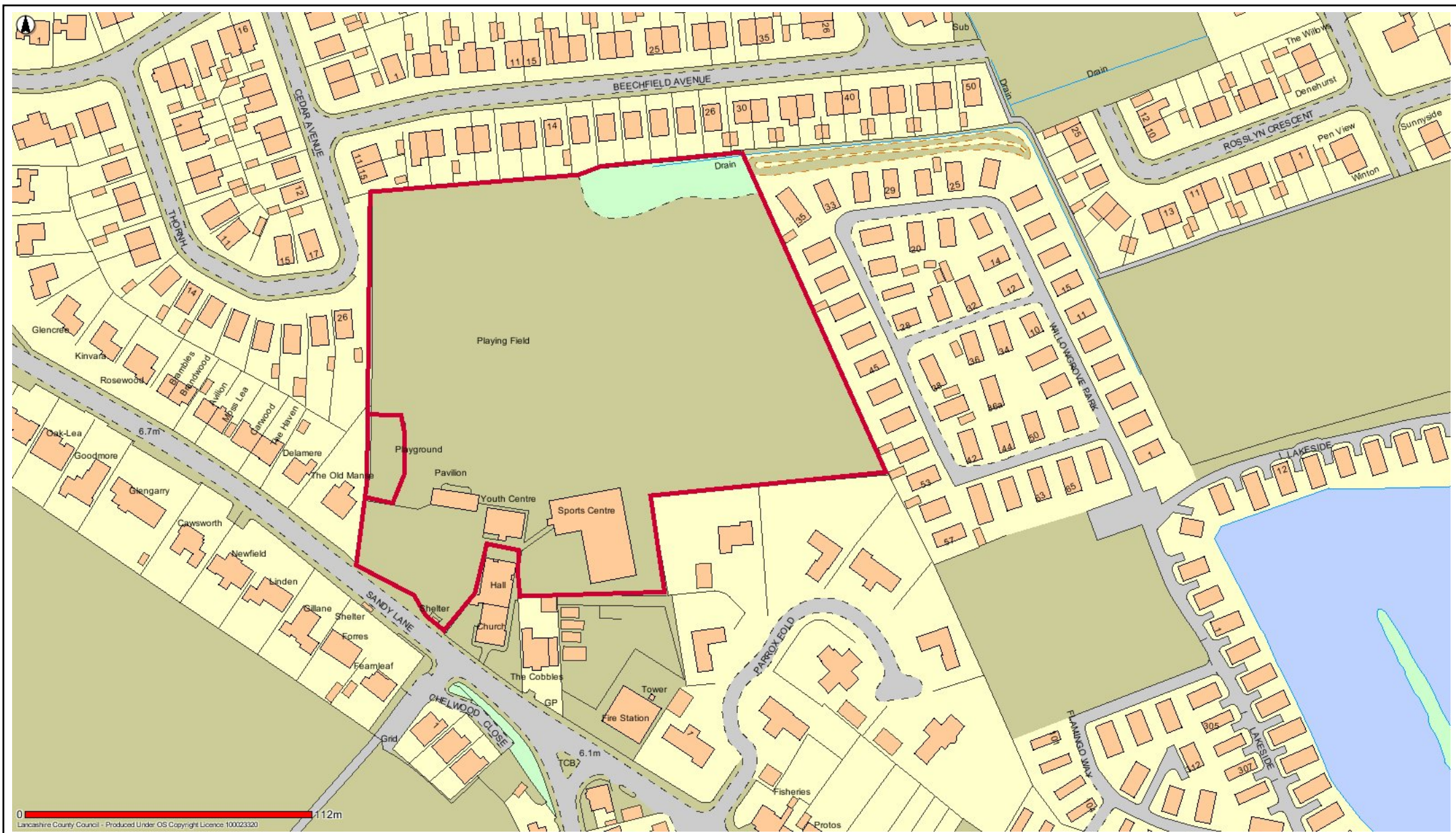
OW4 Pennine View Playing Field Great Eccleston



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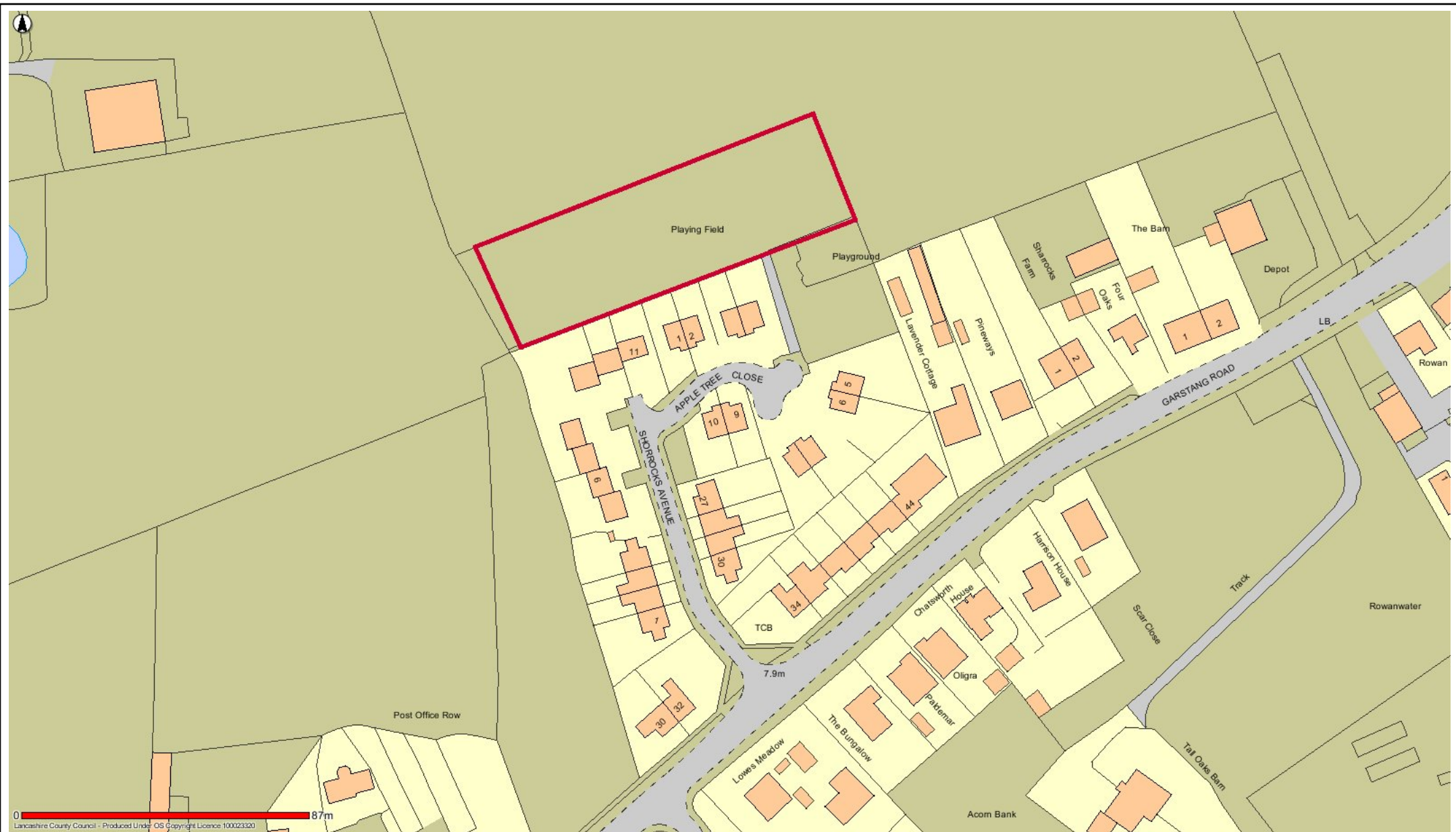


### OW5 Presall Playing Field



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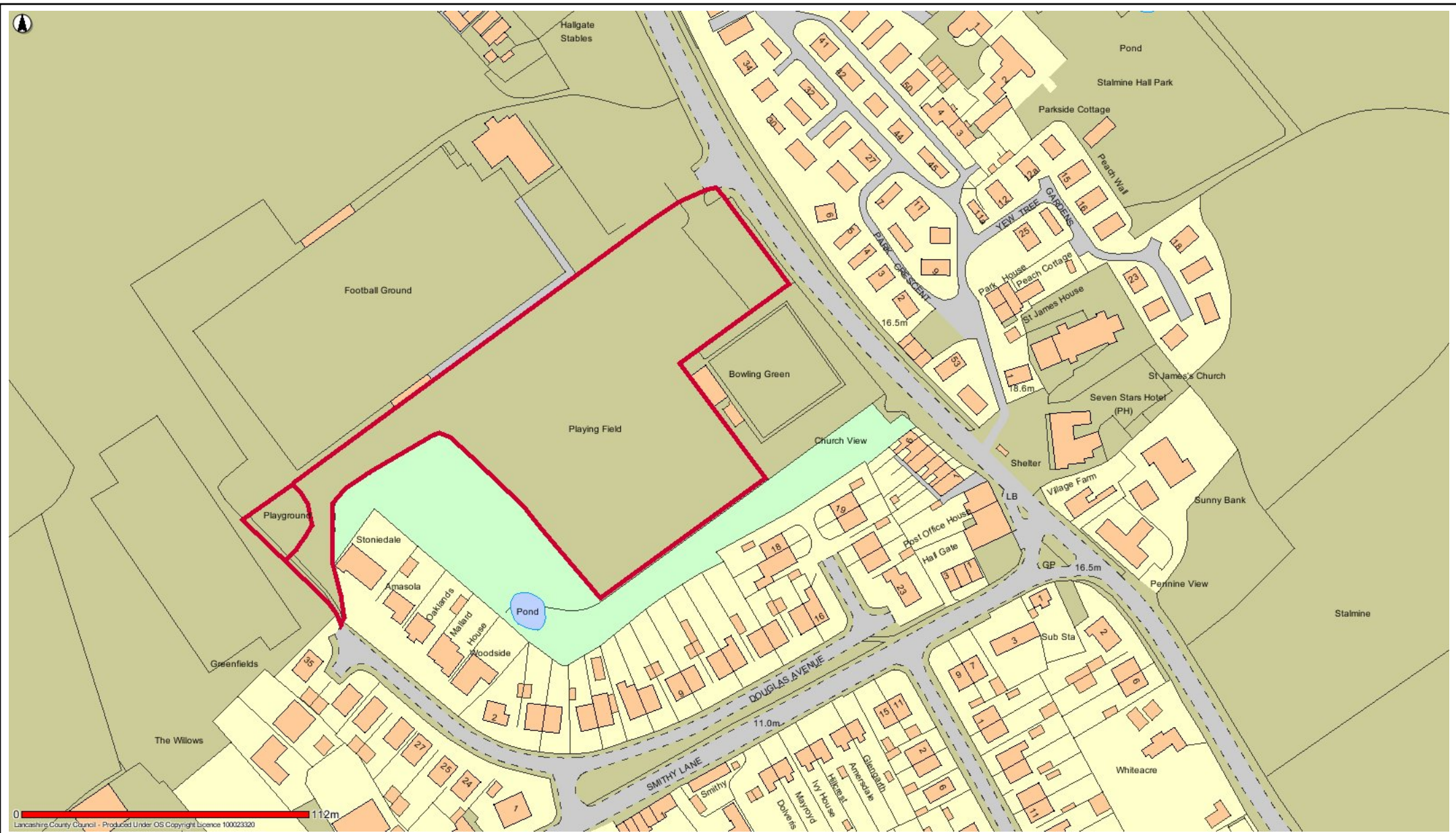


OW6 Shorrock's Avenue Playing Field St Michaels



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### OW7 Stalmine Playing Field



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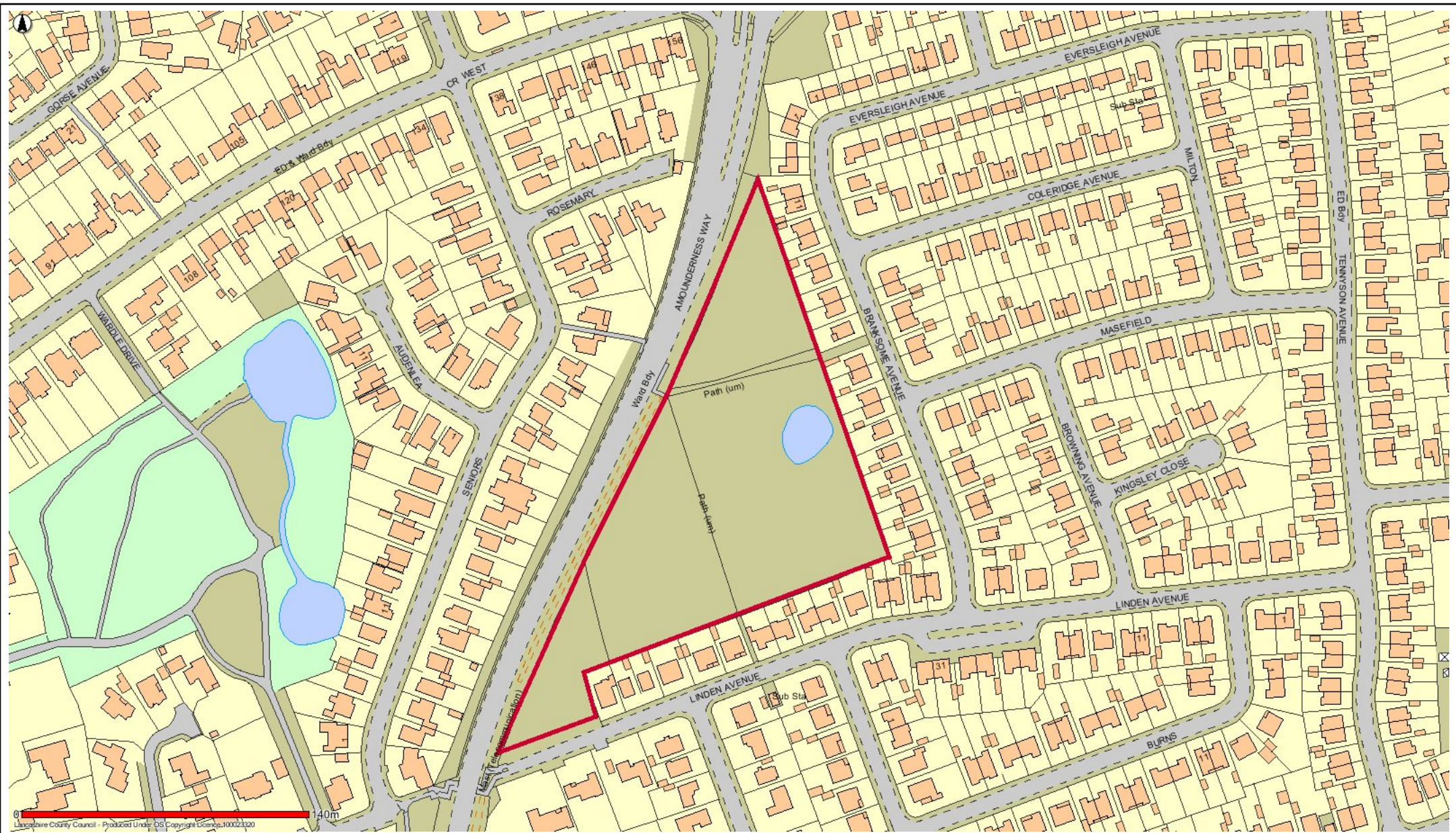


TC1 Bourne Way Playing Field Thornton-Cleveleys



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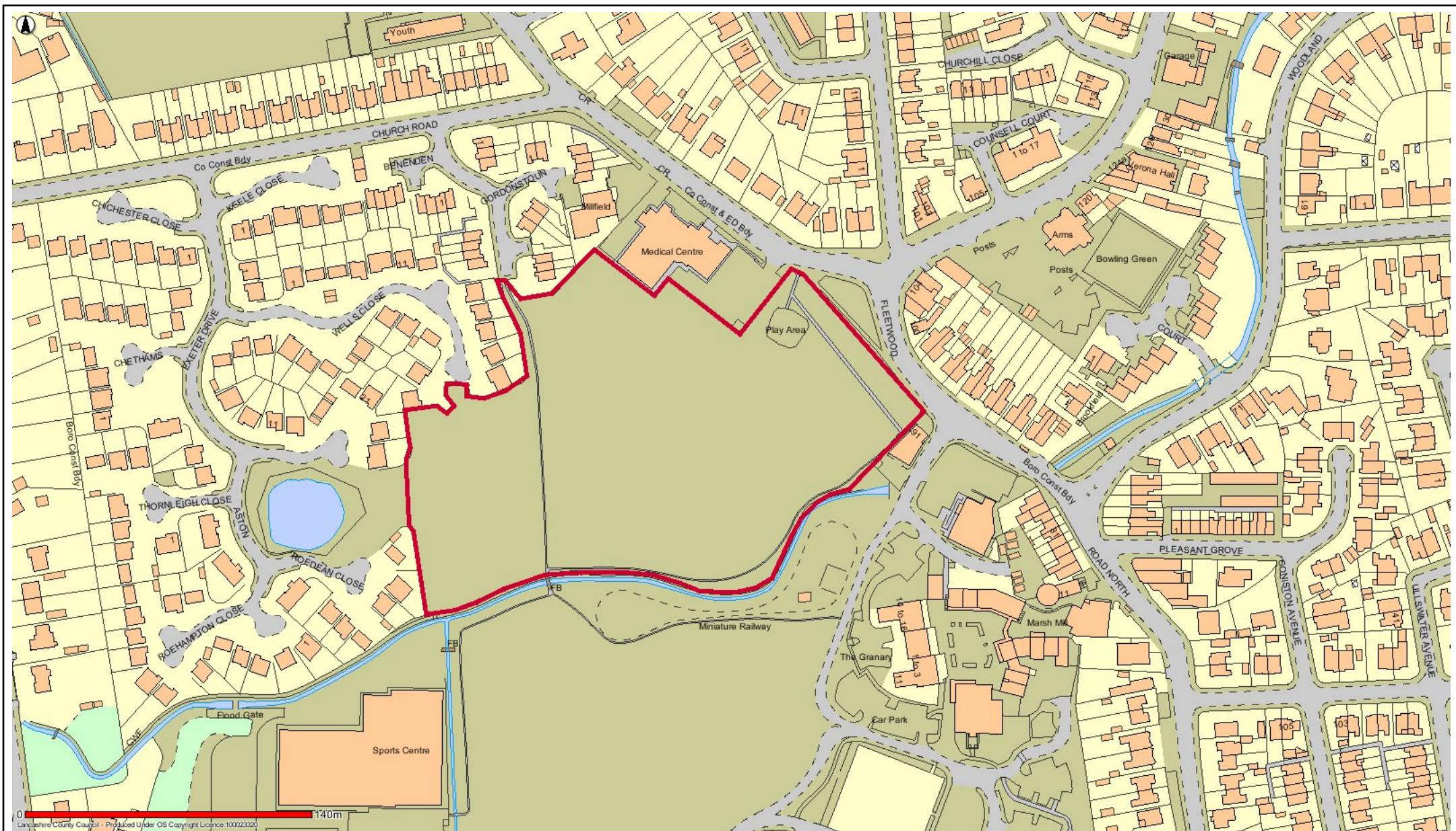


### TC2 Branksome Avenue Thornton-Cleveleys



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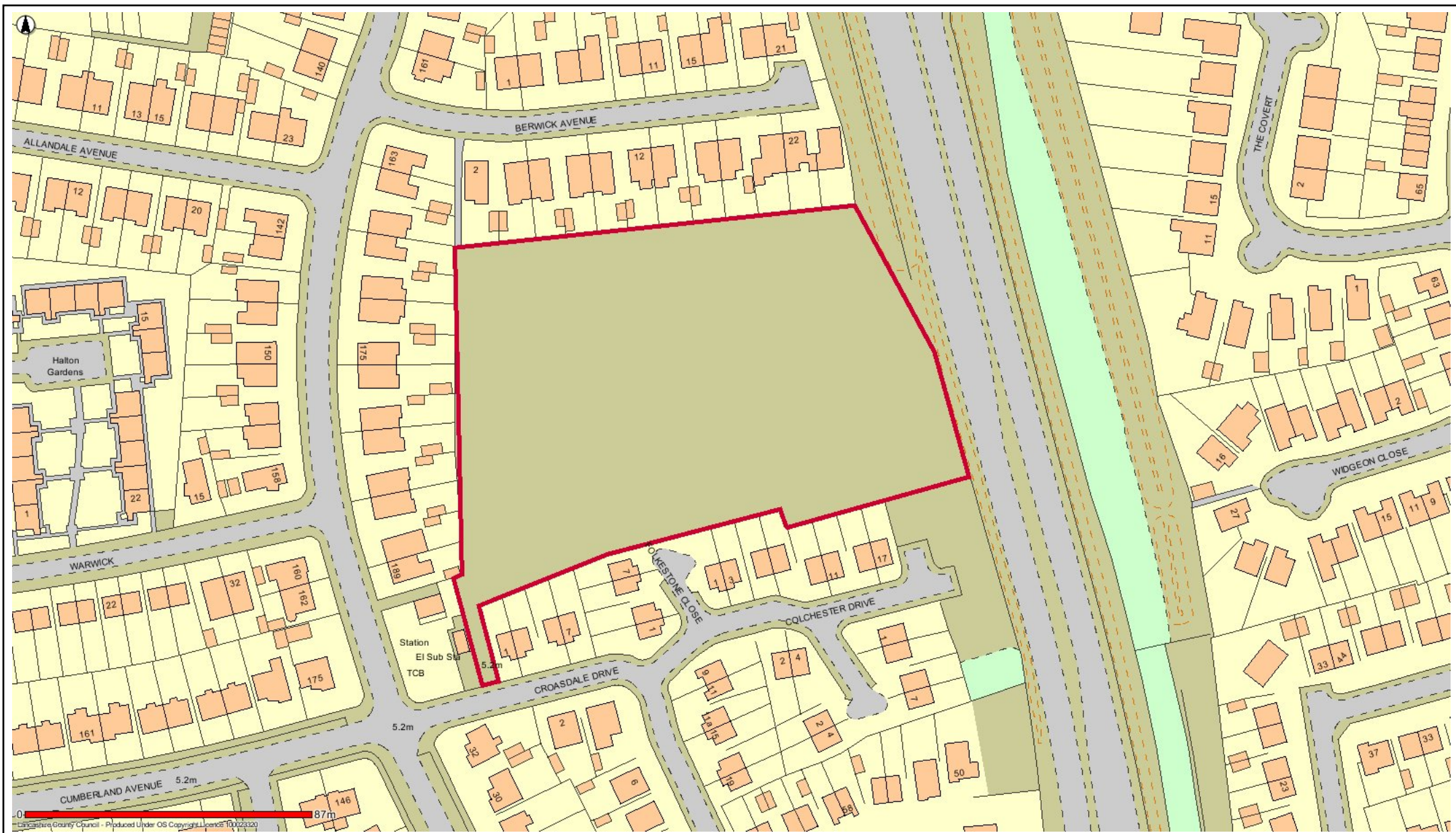


TC3 Church Road Playing Field Thornton



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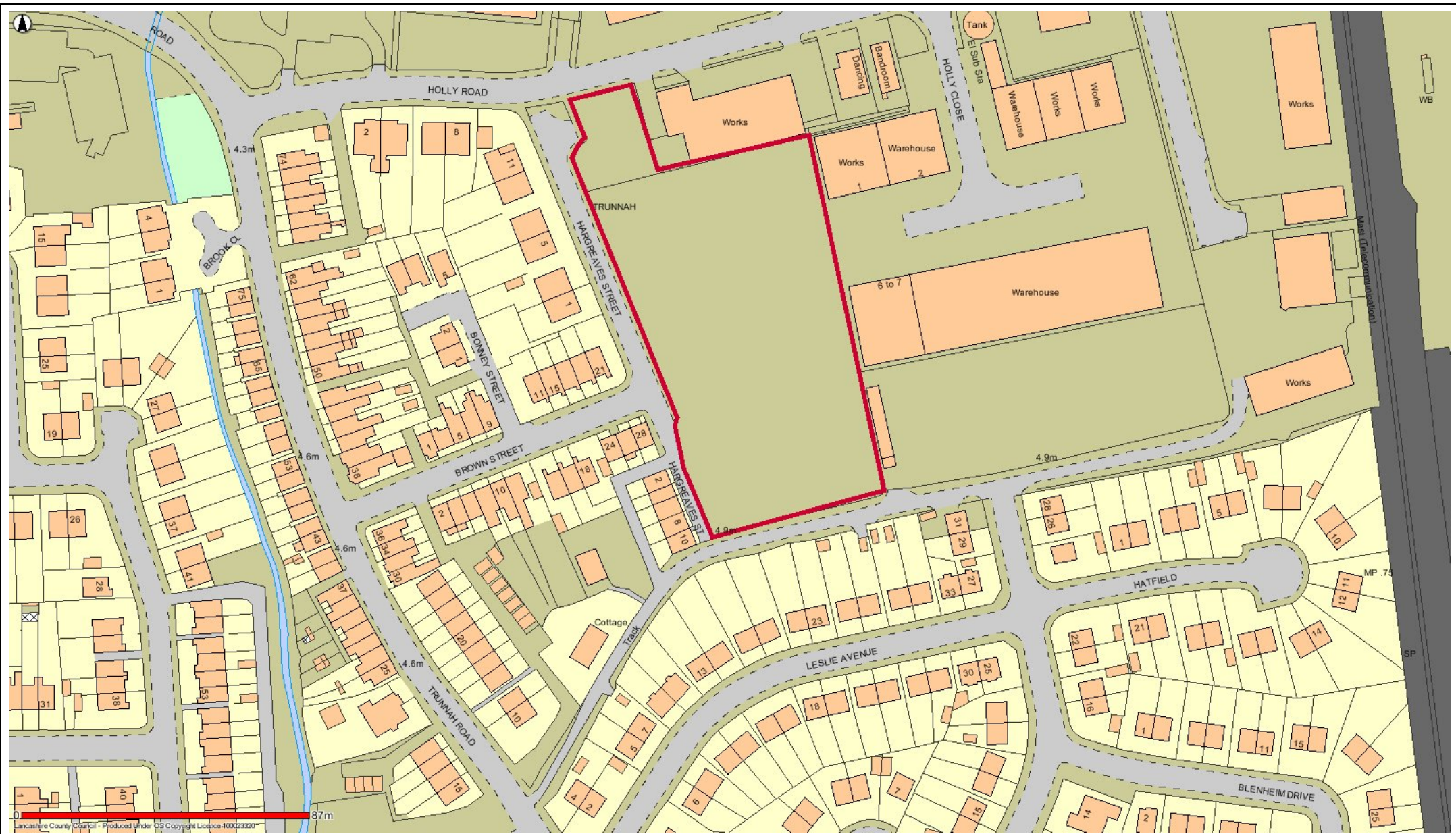


TC4 Crossdale Avenue Playing Field Thornton-Cleveleys



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TC5 Hargreaves St/Holly Road Thornton



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### TC6 Jubilee Gardens Cleveleys



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### TC7 Kenyon Park Thornton



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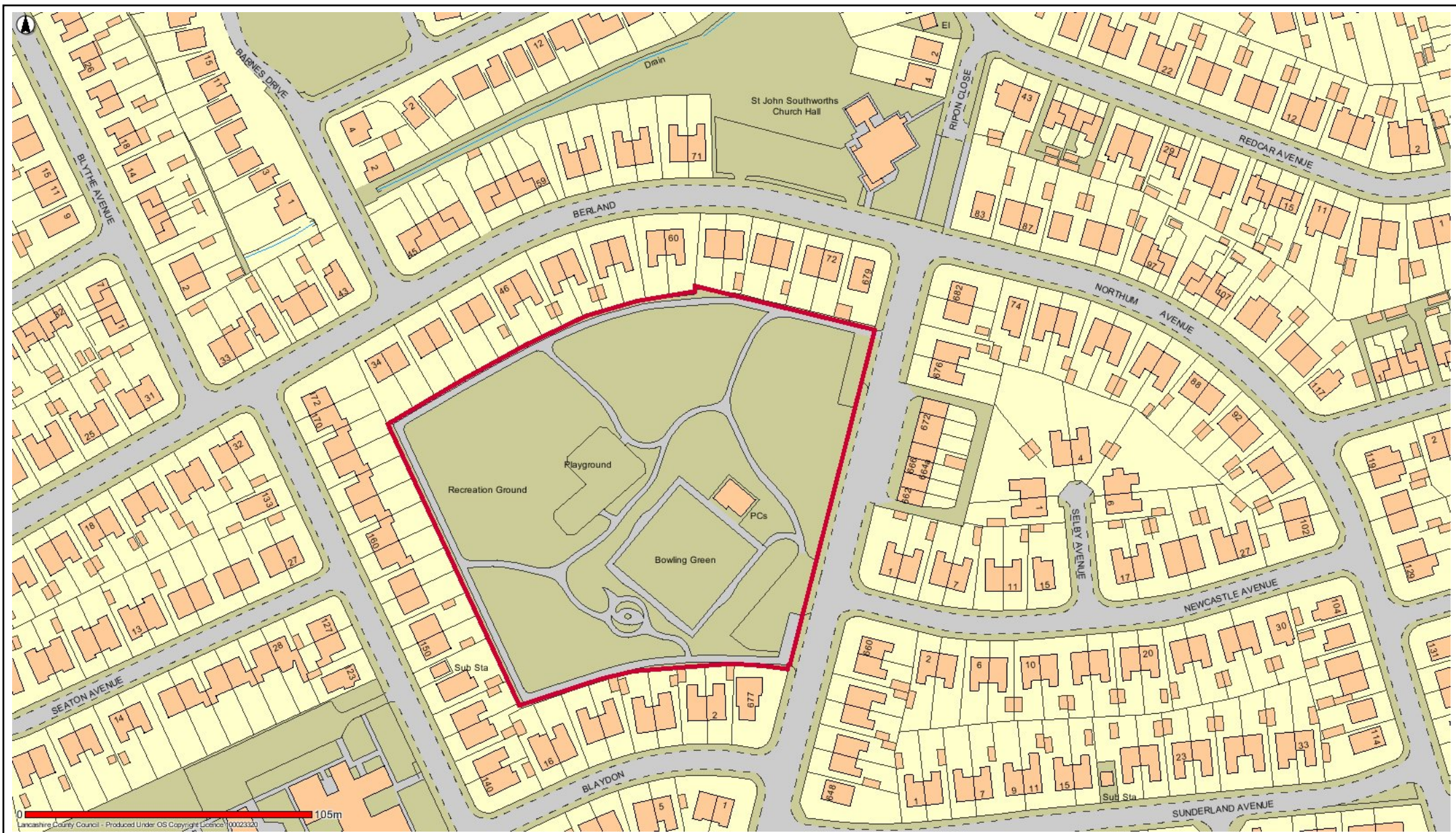


### TC8 King Georges Playing Field Thornton



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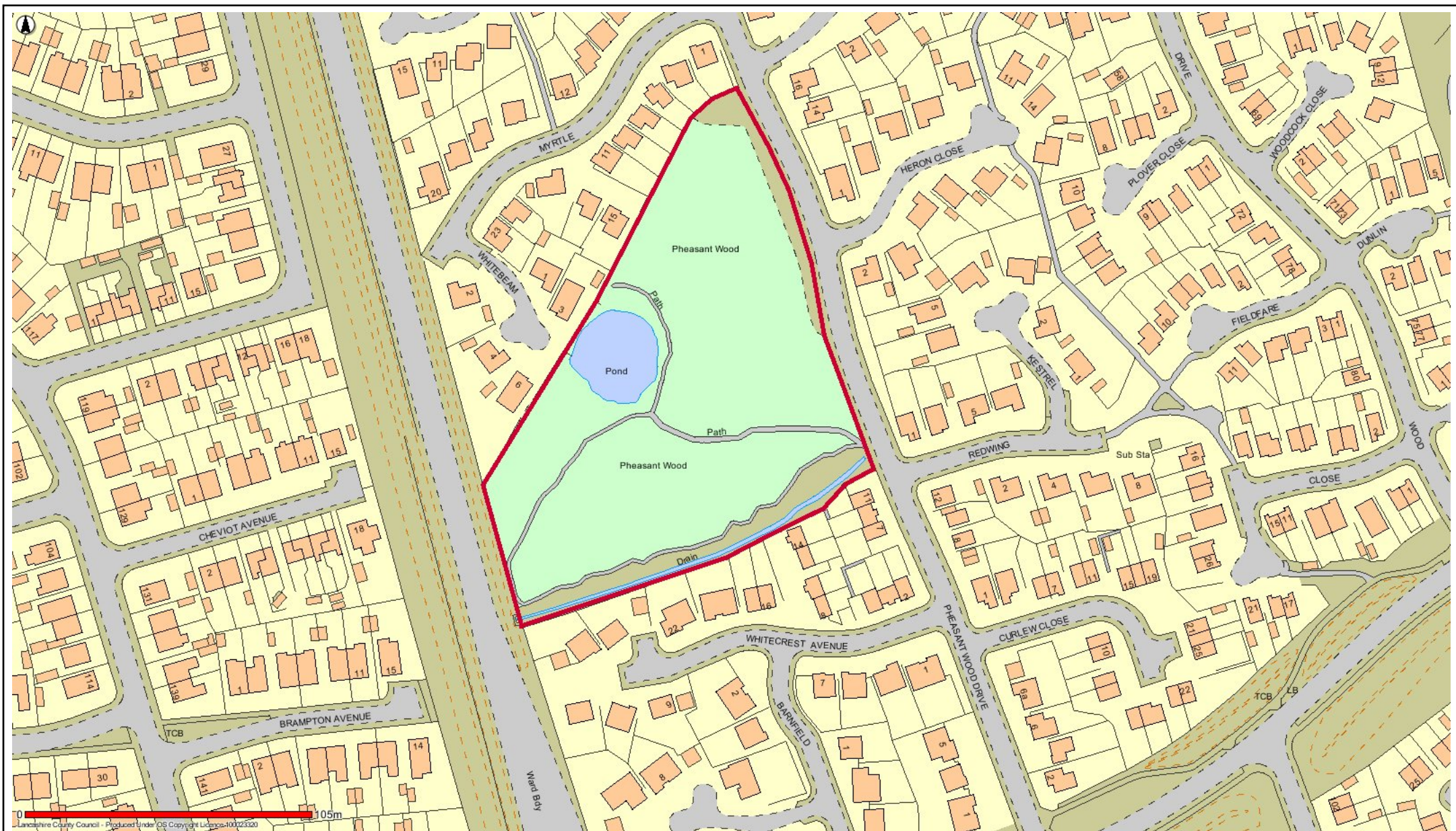


TC9 North Drive Park Cleveleys



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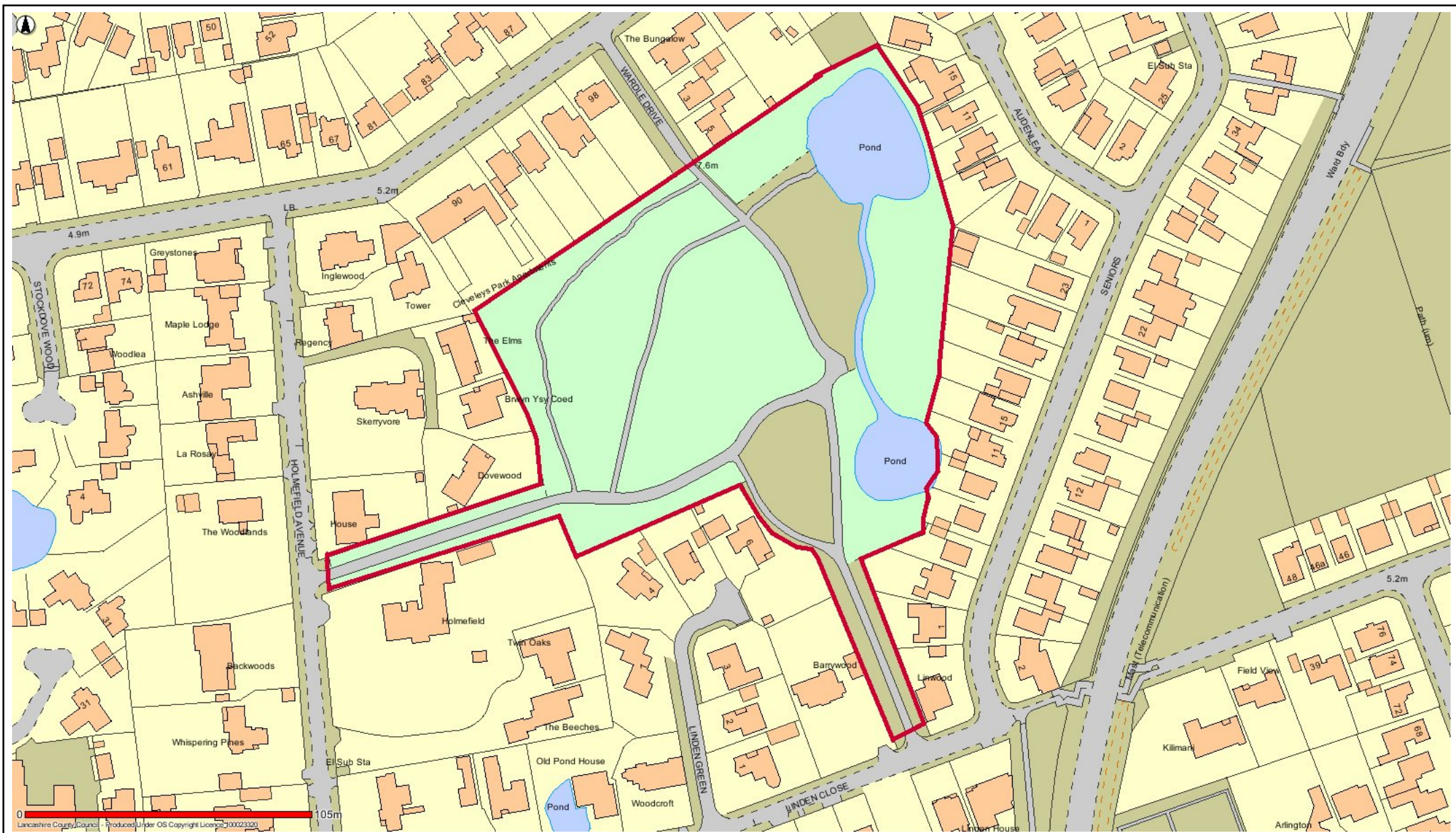


### TC10 Pheasant Wood Thornton-Cleveleys



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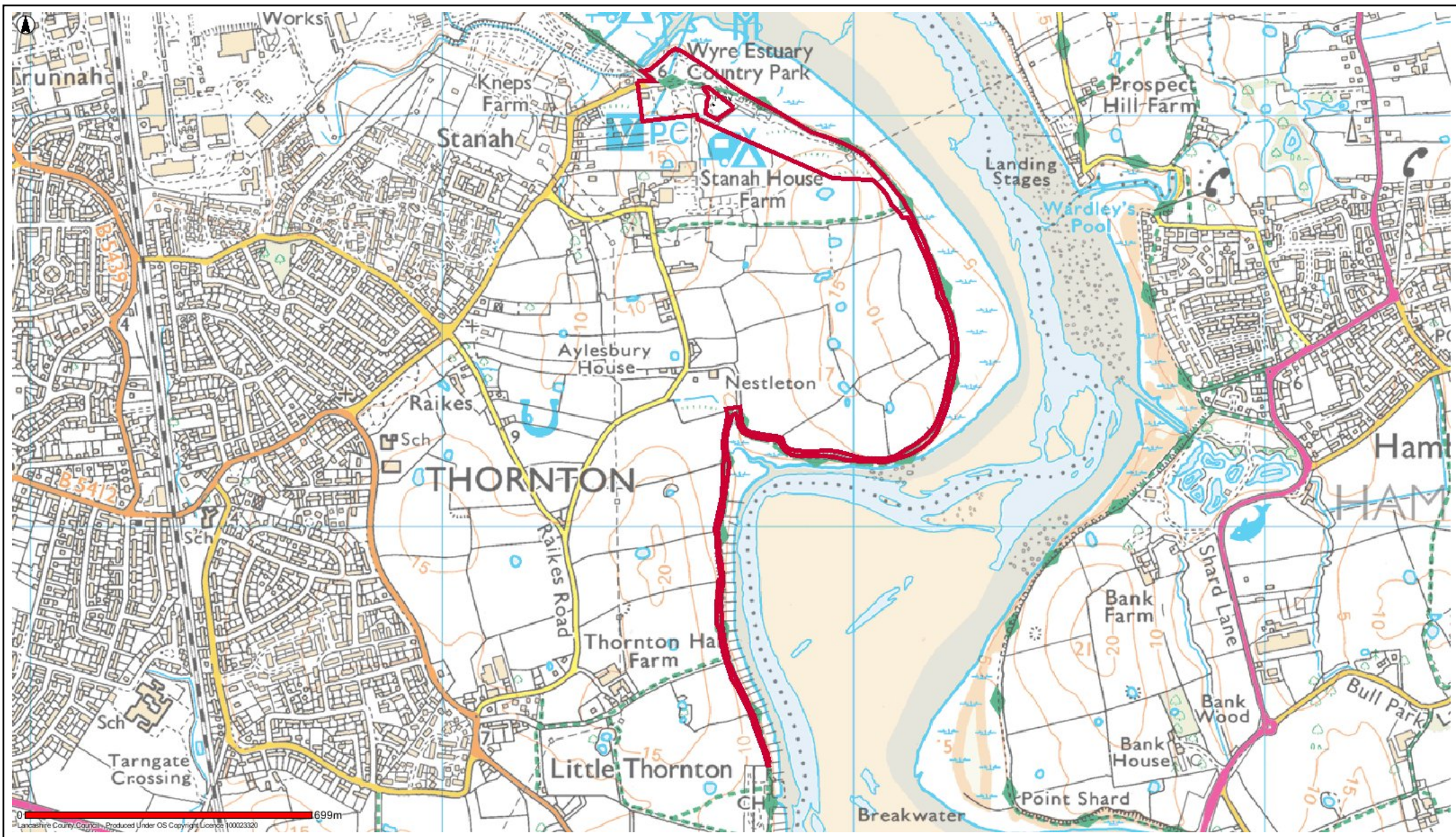


### TC11 The Towers Thornton-Cleveleys



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TC12 Wyre Estuary Country Park Thornton



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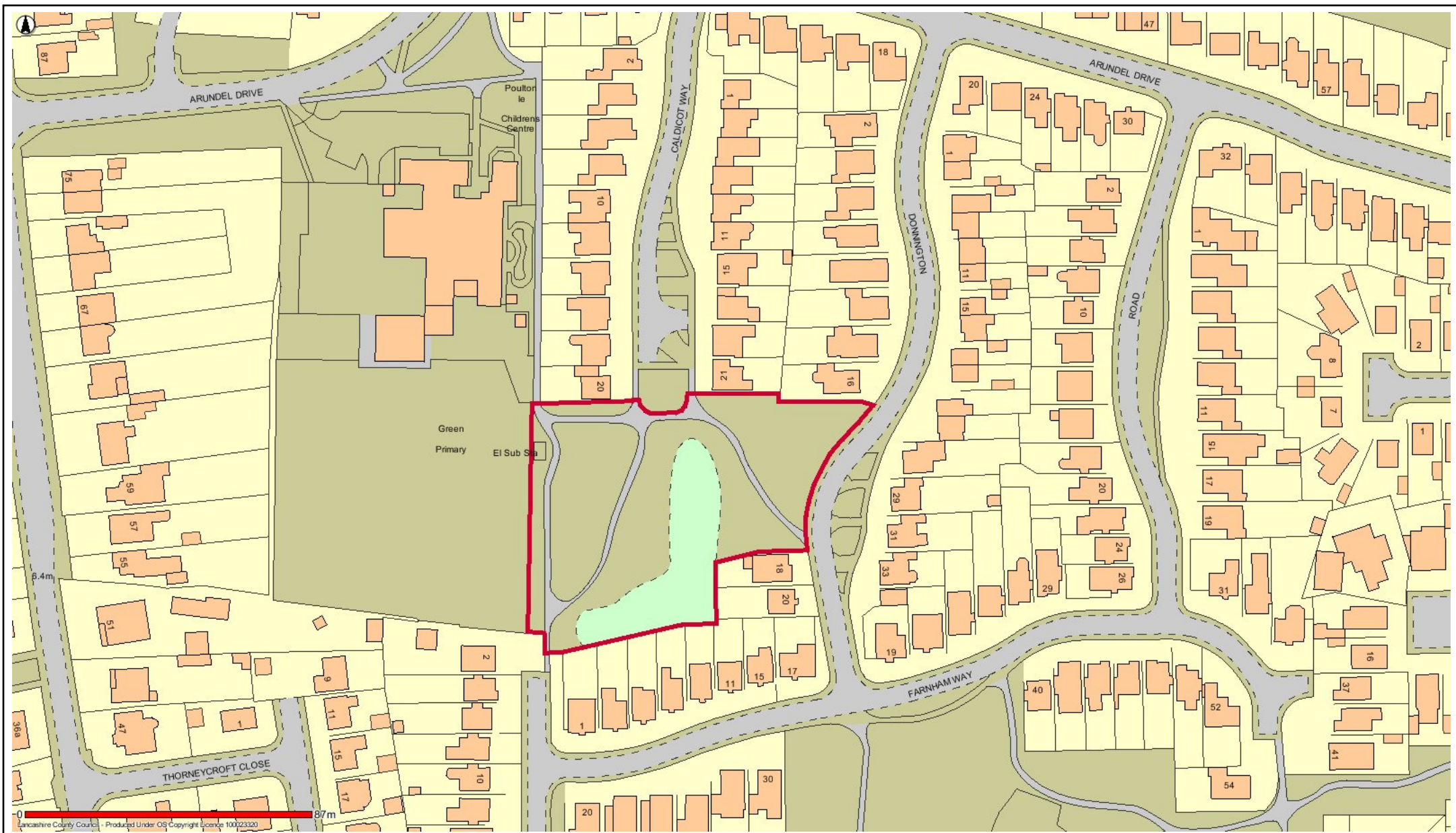
TC13A Cleveleys Beach from Cafe Cove to Wyre Borough Boundary (out of ban season only)



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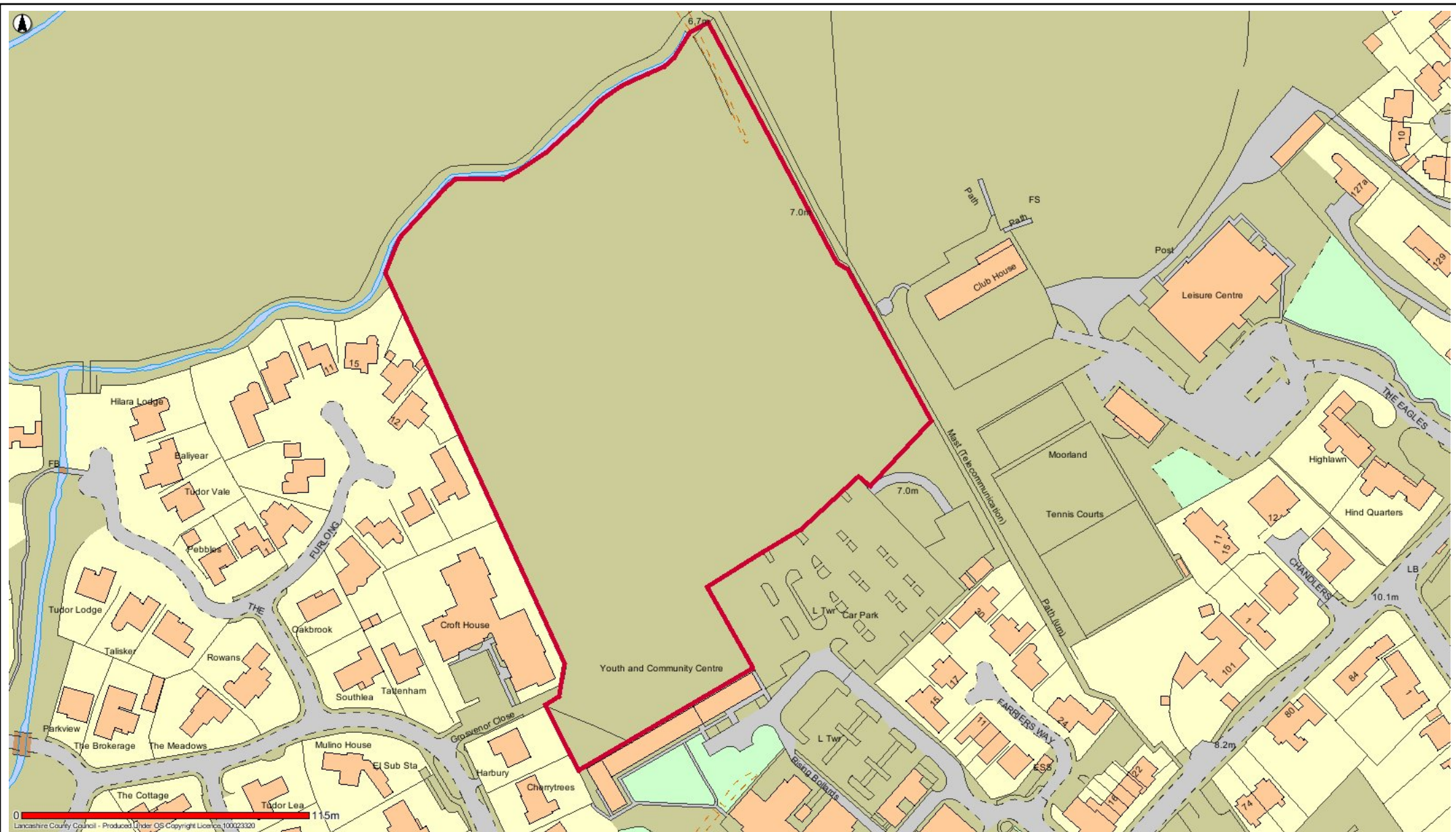


PLF1 Caldicot Way/Donnington Road Carleton



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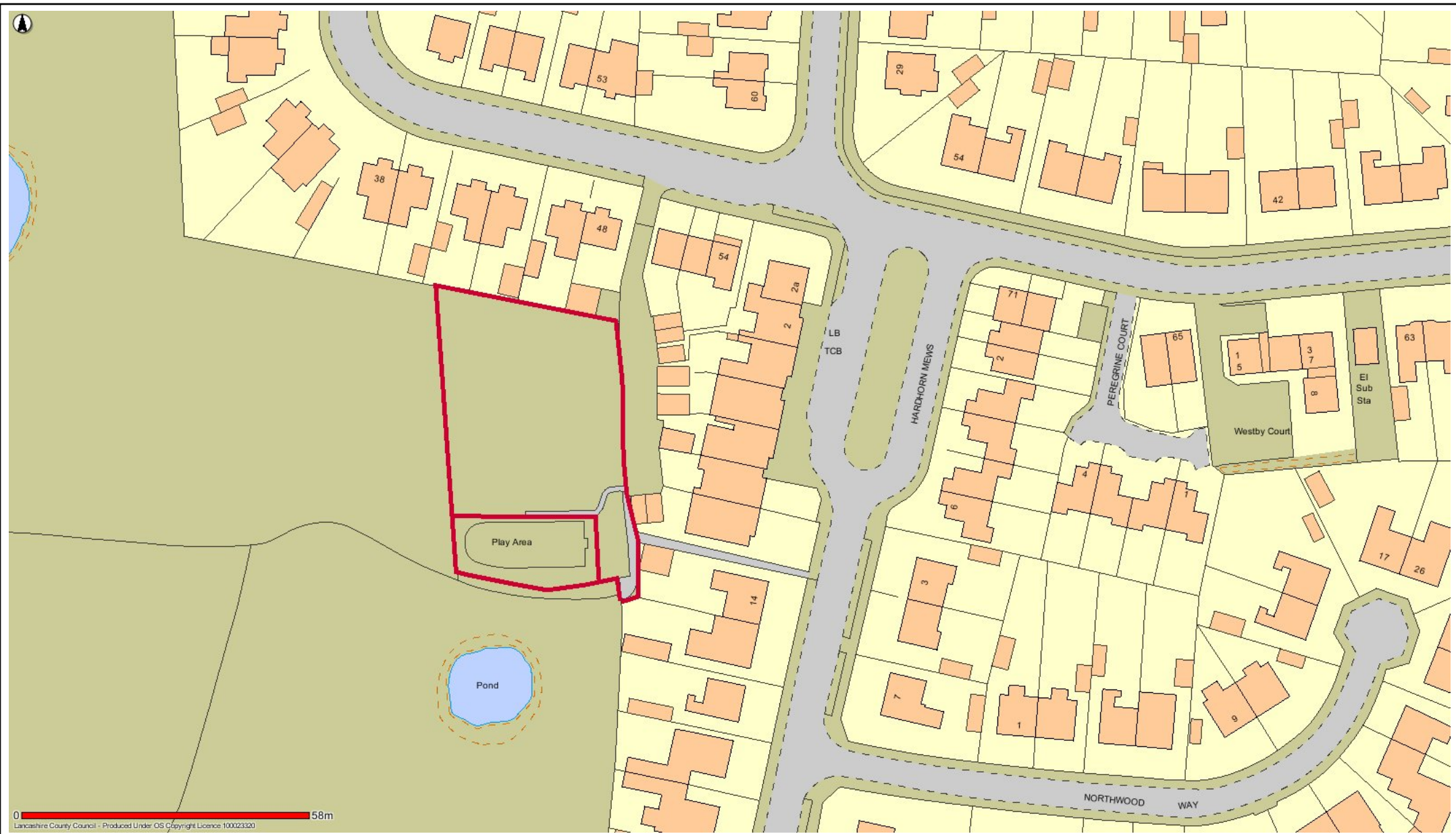


PLF2 Civic Centre Playing Field Poulton-le-Fylde



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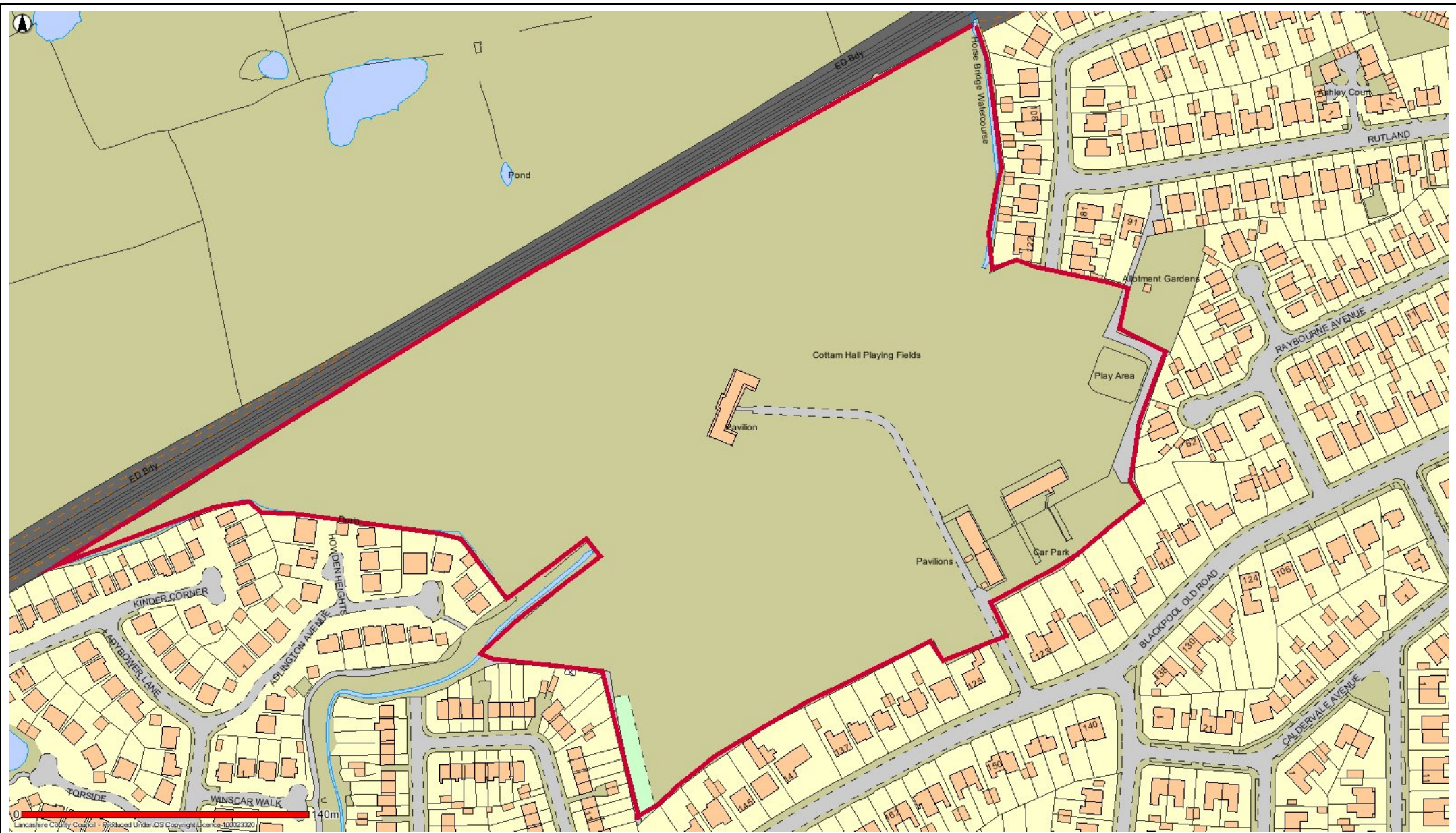


PLF 3 Compley Avenue Poulton-le-Fylde



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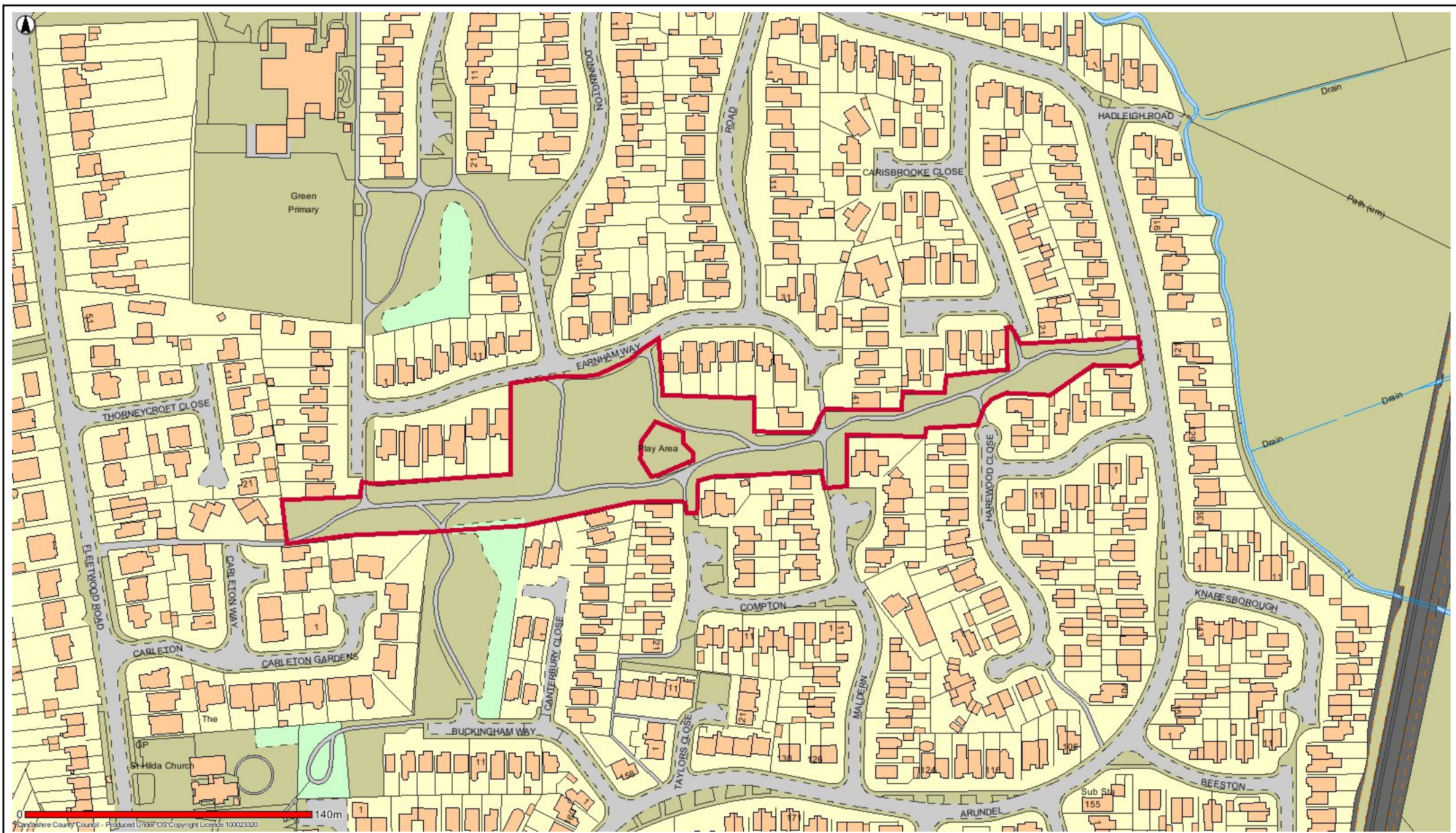


PLF4 Cottam Hall Playing Field Poulton-le-Fylde



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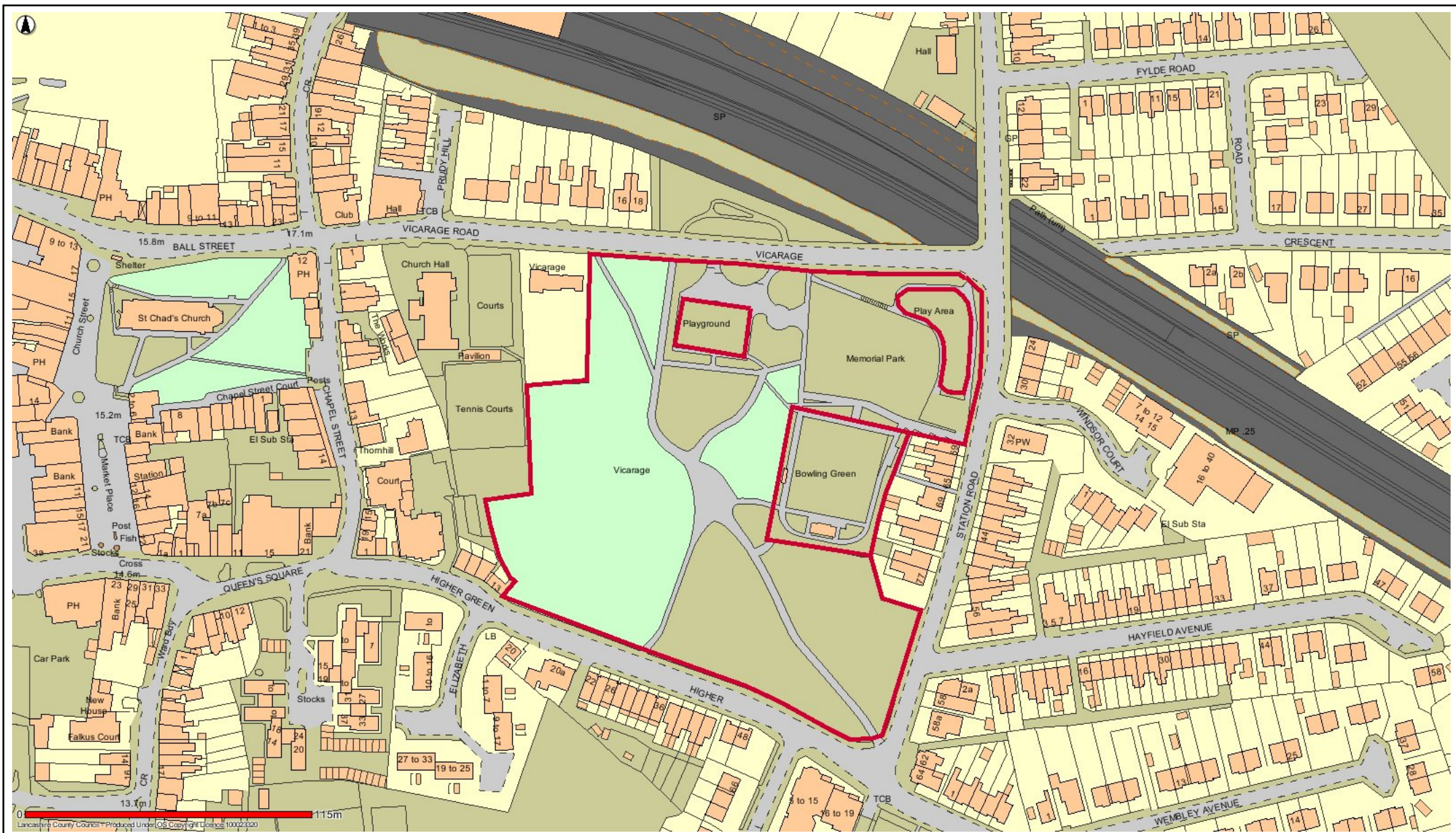


PLF5 Farnham Way Carleton



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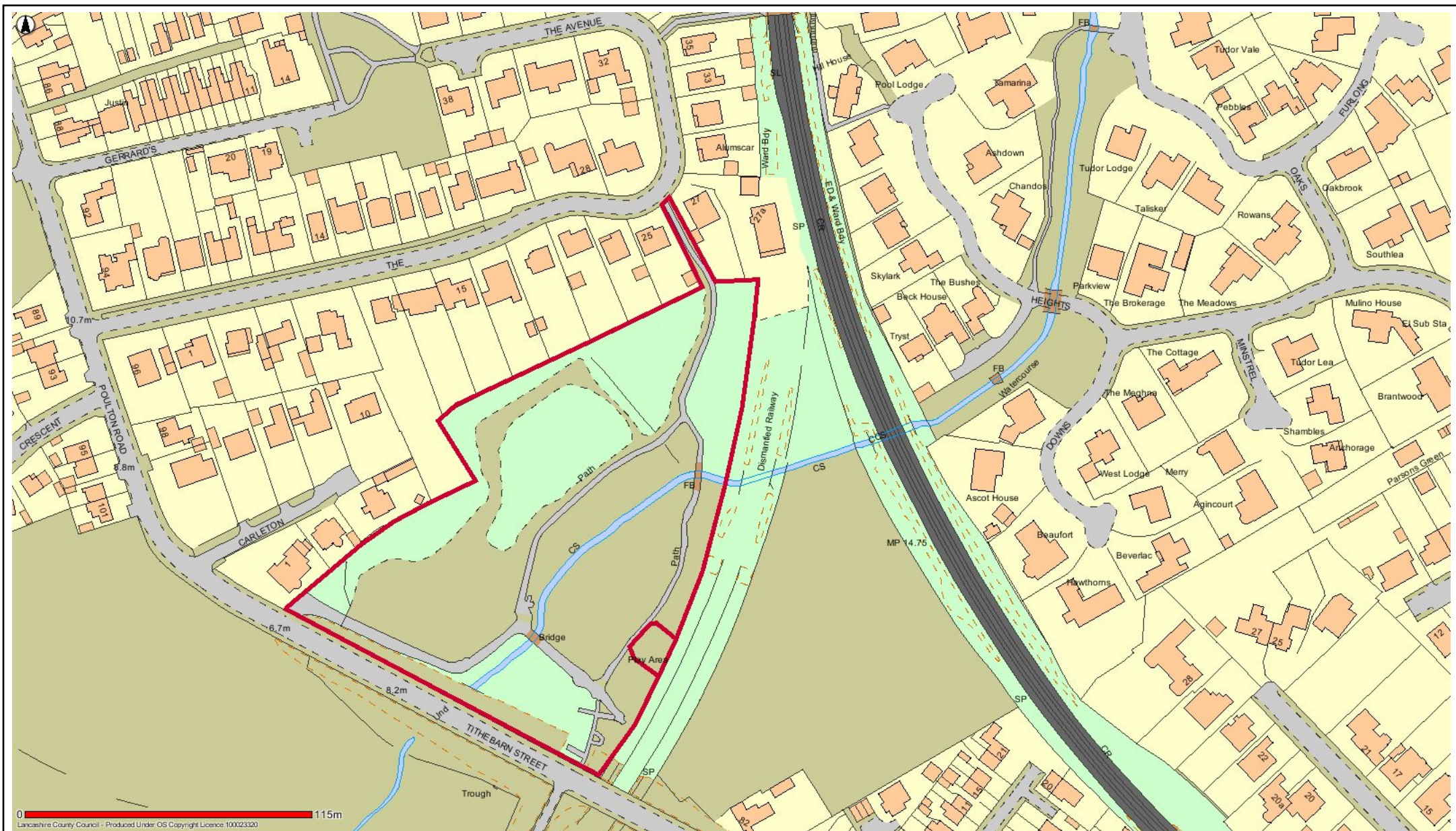


PLF6 Jean Stansfield and Vicarage Park Poulton-le-Fylde



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PLF7 Tithebarn Park Poulton-le-Fylde



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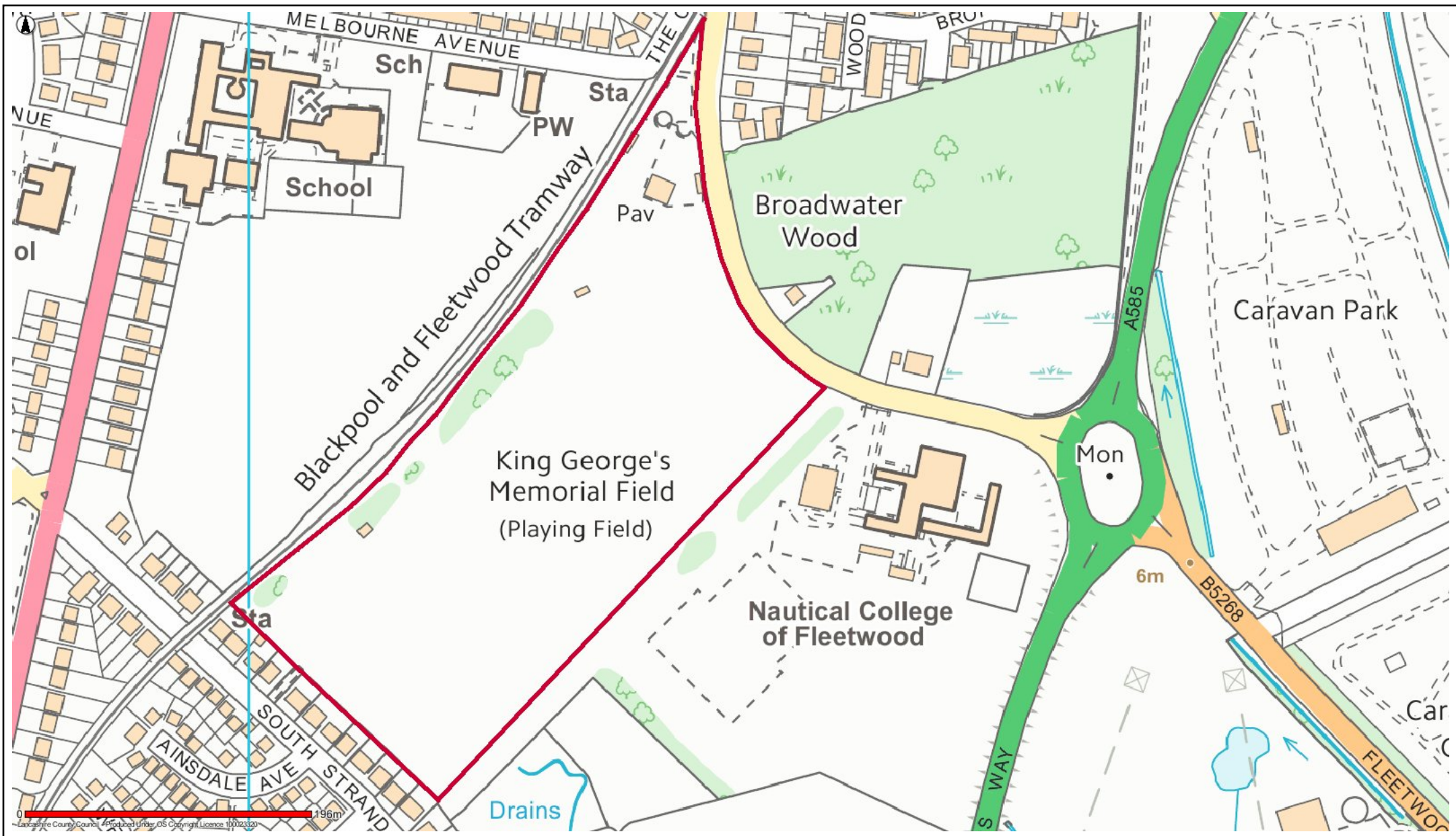
FWD1 Eskdale Avenue Park



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FWD2 King George V Playing Field

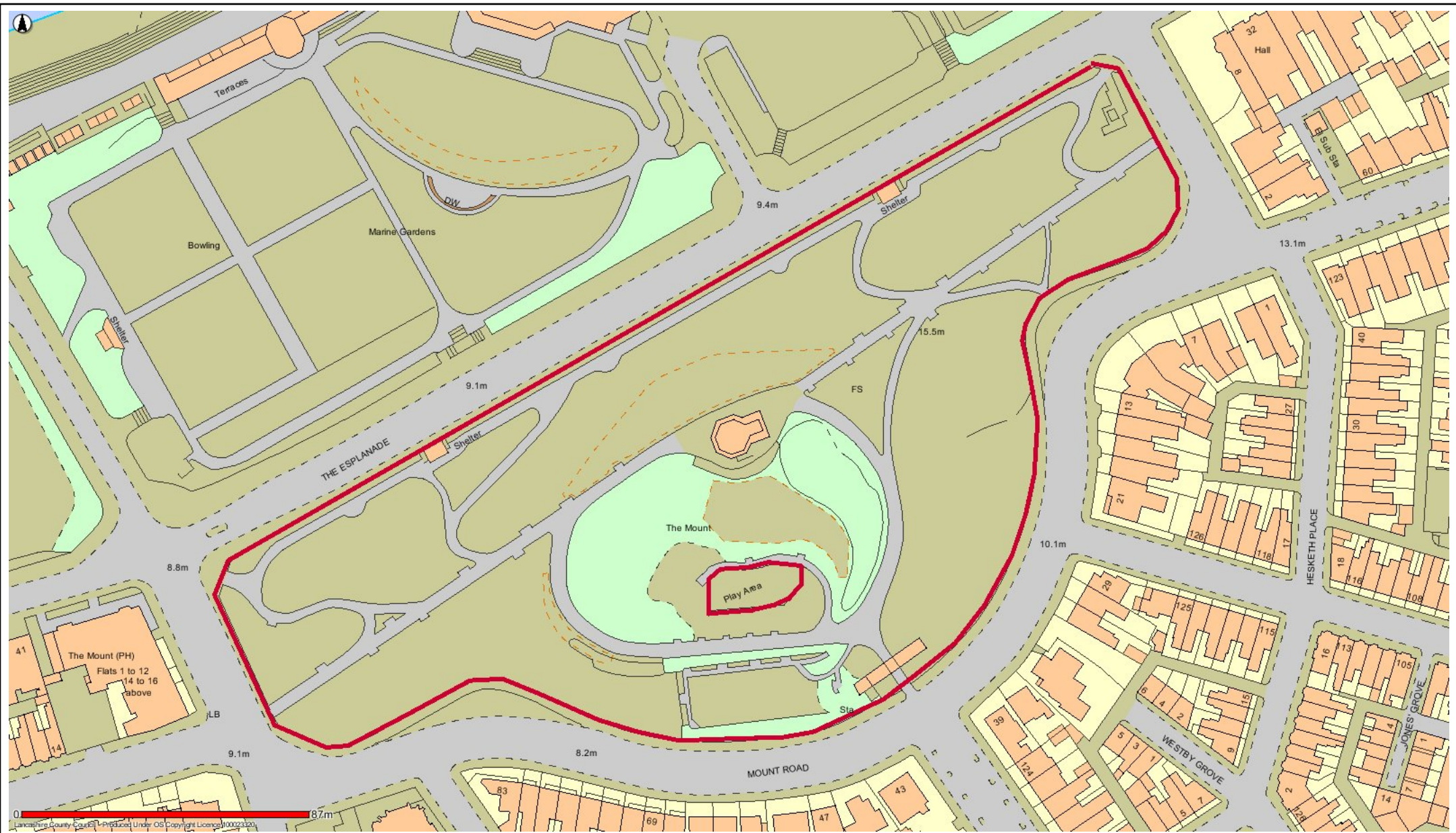


### FWD3 Memorial Park



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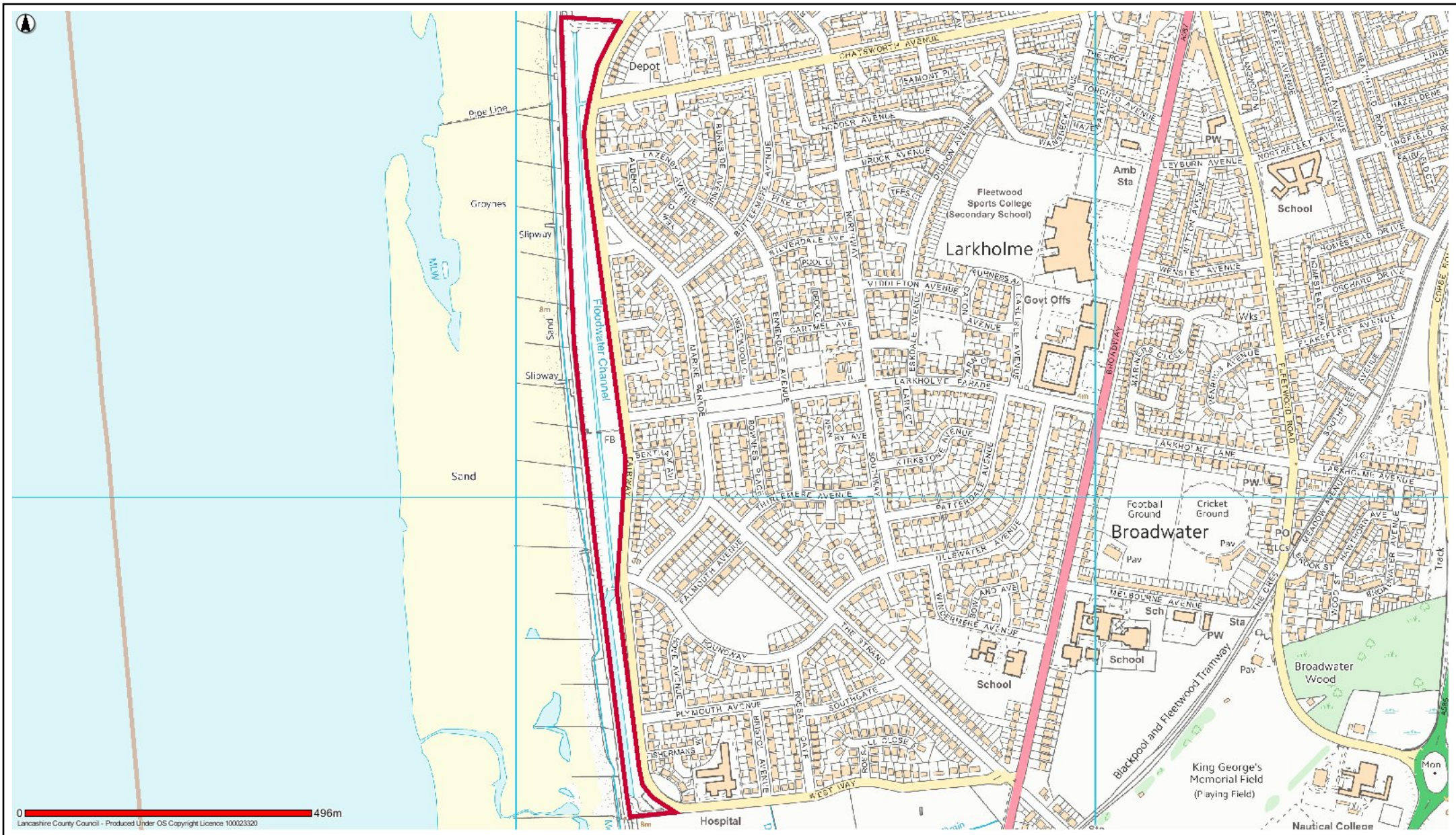


### FWD4 The Mount Grounds



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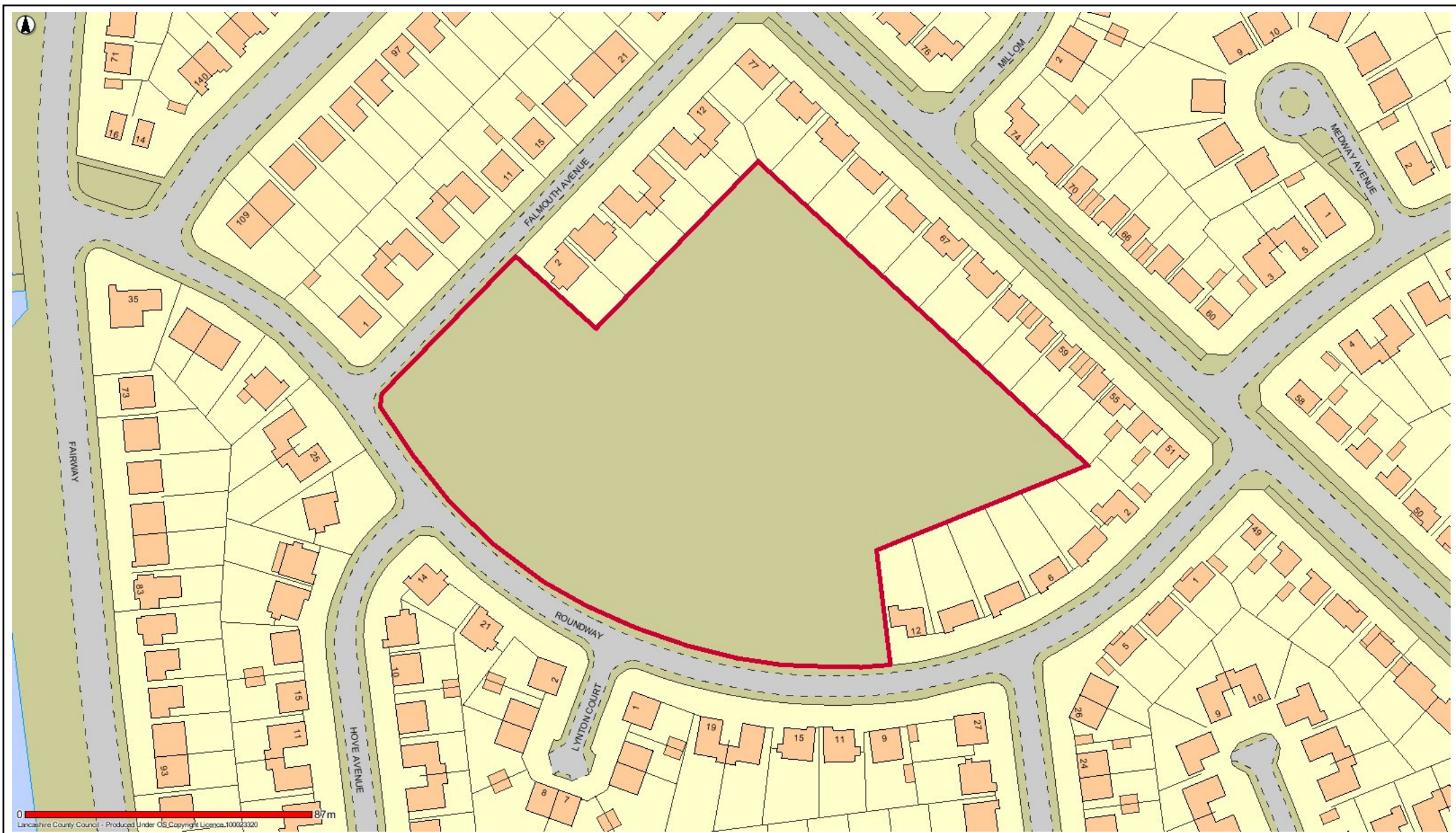


### FWD5 Rossall Ecology Park



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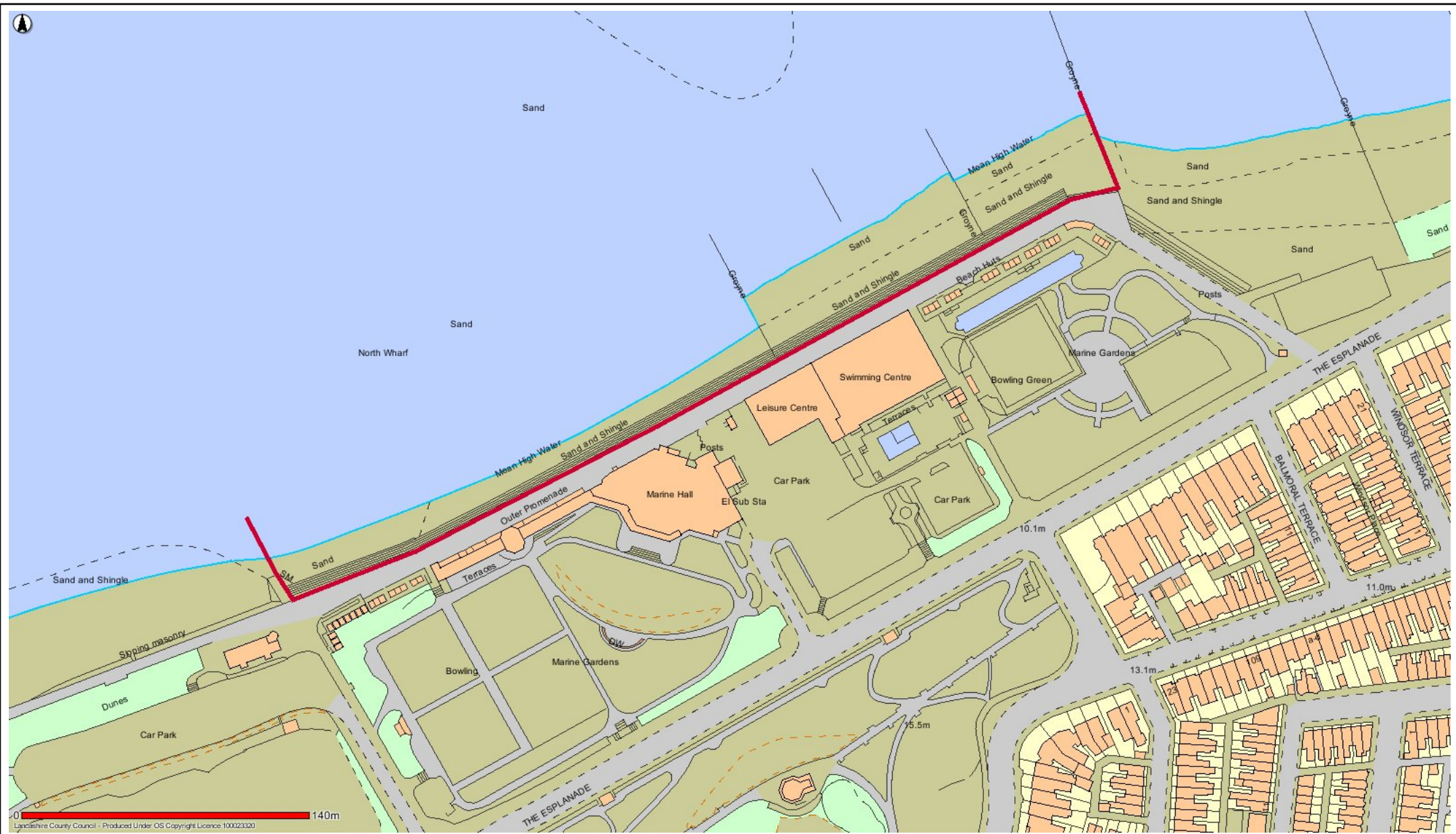


### FWD6 Roundway



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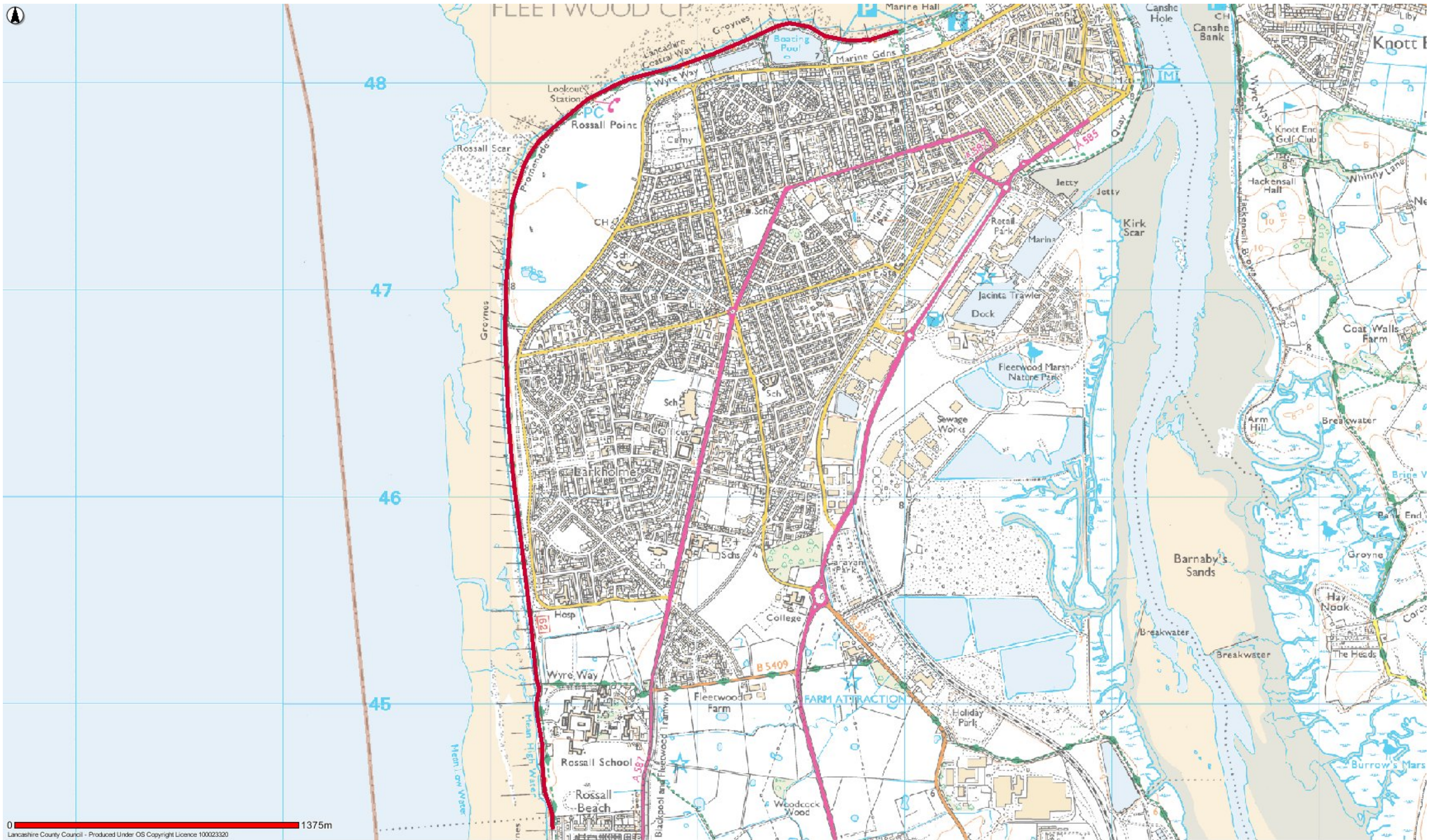


FWD7A Fleetwood Beach east side of slipway eastwards to the west side of the former pier (out of ban season only)



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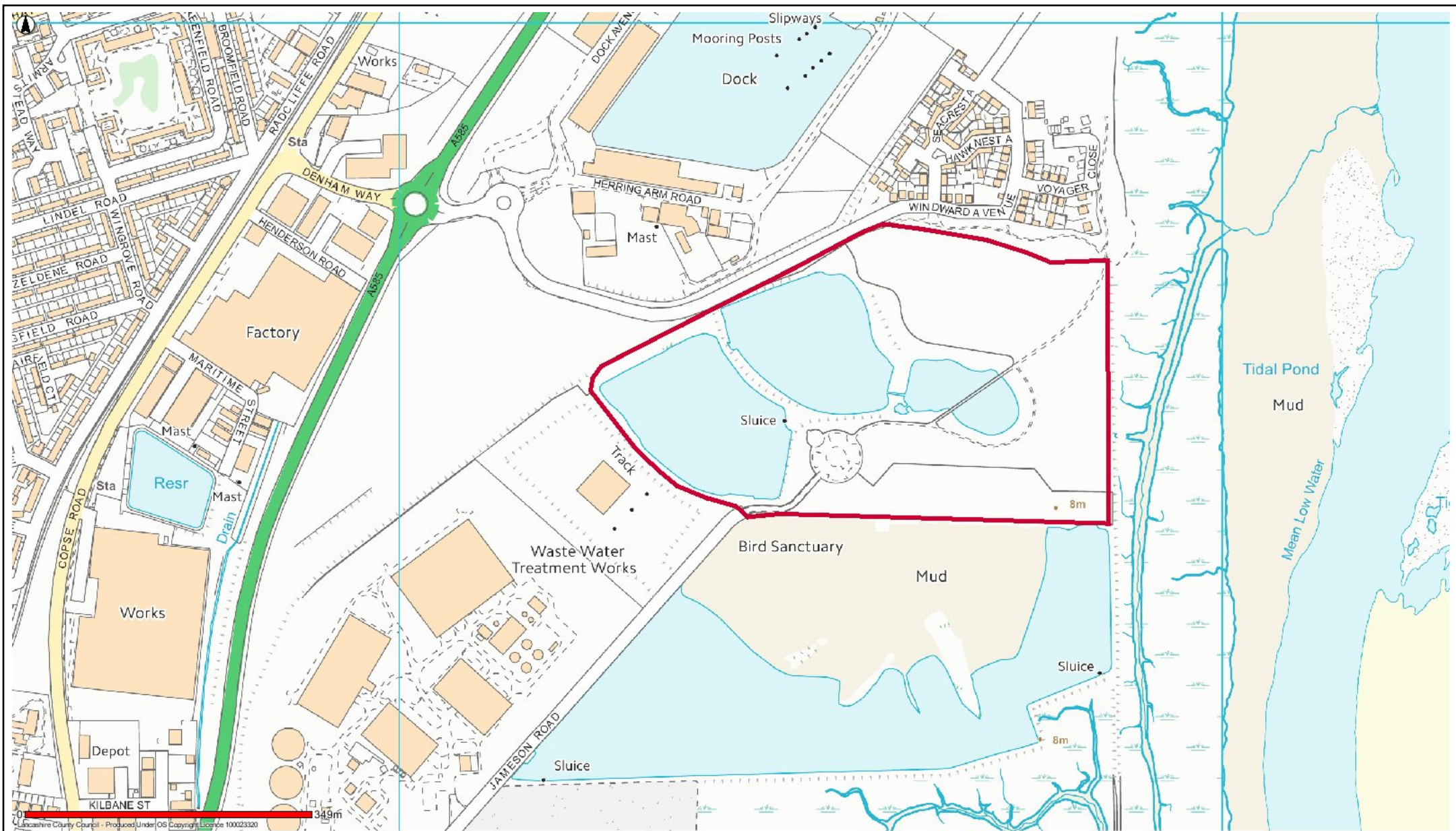


FWD8 Fleetwood Promenade from opposite Carr Road to the Five Bar Gate Rossall Beach



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### FWD9 Fleetwood Marsh Nature Park



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# **Schedule 4**

**Dogs on lead**

## SCHEDULE 4- DOGS ON LEAD

### Description of Land to which Schedule 4 applies:

1. Subject to the exception in paragraph 3 below, each and every length of road (which term includes pavements or footways) within the administrative area of the Council except public footpaths and bridleways; and
2. Public Open Space Areas, Parks, Recreational/Amenity Areas, Gardens as described below.
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

<b>Garstang/Catterall sites:</b>	<b>Map Ref</b>
Catterall Playing Field	GC4
Kepple Lane Playing Field Garstang	GC5
Moss Lane Playing Field Garstang	GC6
<b>Over Wyre sites</b>	
Bob Williamson Park/Playing Field Hambleton	OW2B
Inskip Recreation Area	OW10
Preesall Cemetery	OW11
Smallwood Hey Pilling	OW12
Churchtown Recreation Ground	OW13
Forton Playing Field	OW14
Pilling Memorial Hall Recreation Ground	OW15
Woburn Way Claughton on Brock	OW16
Scotts Green Winmarleigh	OW17
<b>Thornton/Cleveleys sites:</b>	
Cleveleys Promenade from Five Bar Gate to Wyre Boundary	TC14
Hawthorne Park	TC15
Skippool Amenity Site	TC16
Swan Drive Open Space	TC17
Tarnway	TC18
Thornton Little Theatre	TC19
<b>Poulton/Carleton sites:</b>	
Carrabine Park	PLF8
Wyre Civic Centre Grounds	PLF9
Derby Road/Shirley Heights	PLF10
Garstang Rd Cemetery	PLF11
Moorland Road Cemetery	PLF12
Poulton Health & Fitness Centre	PLF13
Tomlinson Gardens	PLF14

<b>Fleetwood sites:</b>	<b>Map Ref</b>
Euston Park	FWD10
Fleetwood Cemetery	FWD11
Mariners Close Open Space	FWD12
Martindale Park	FWD13
Marine Gardens amenity area (including lakes, pitch & putts)	FWD14
Land between Fleetwood Prom and golf course from Rossall Picnic site to Fairway including bridleway	FWD15
Marine Hall Gardens	FWD16
Rossall Point Picnic Site	FWD17
Fleetwood Promenade from former pier site to opposite Carr Road	FWD18
Westview Park	FWD19
Victoria Street (Pocket Park)	FWD20

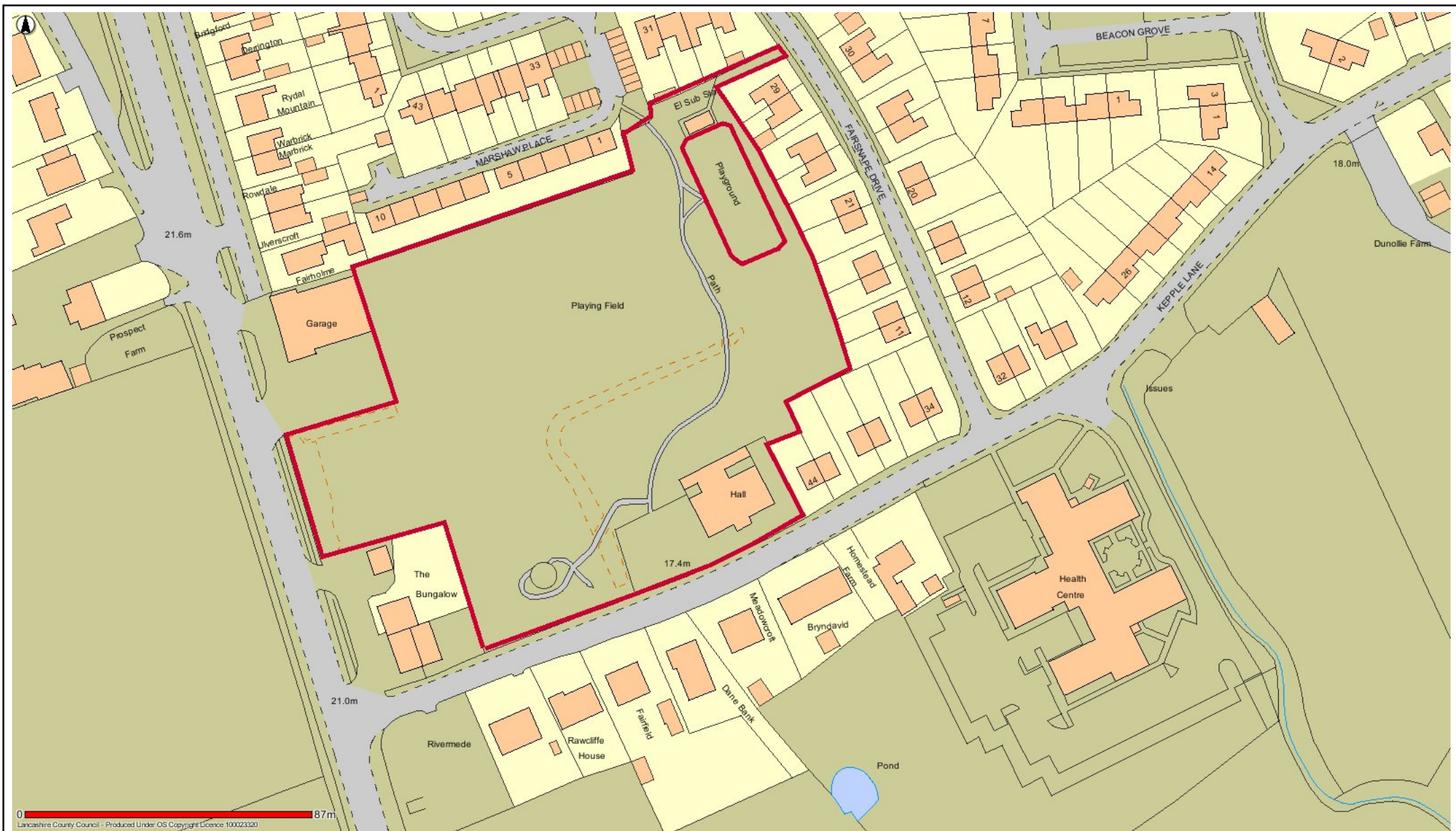


### GC4 Catterall Playing Field



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### GC5 Kepple Lane Playing Field Garstang



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### GC6 Moss Lane Playing Field Garstang



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OW2B Bob Williamson Park/Playing Field Hambleton



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### OW10 Inskip Recreation Area



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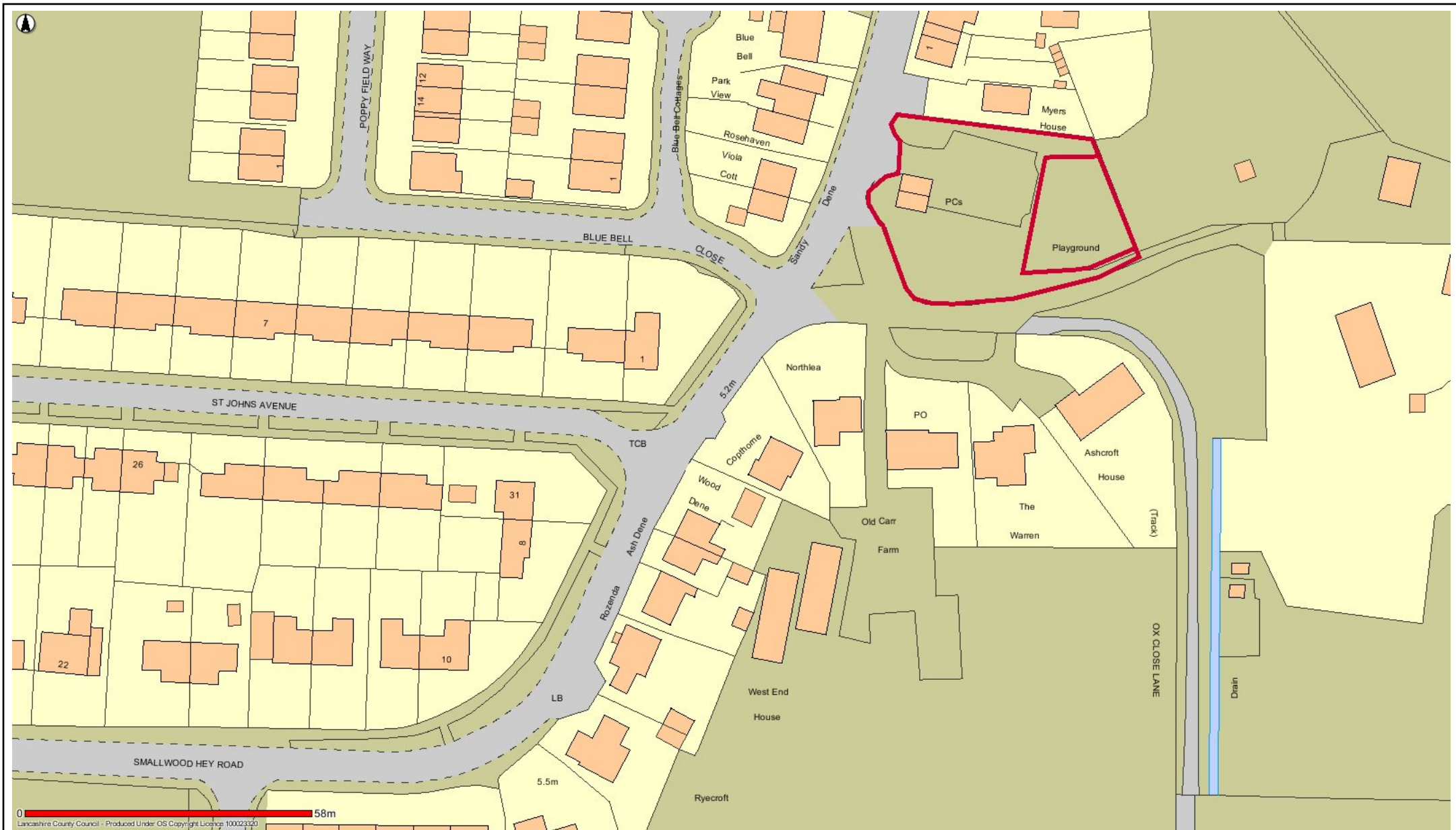


OW11 Preesall Cemetery



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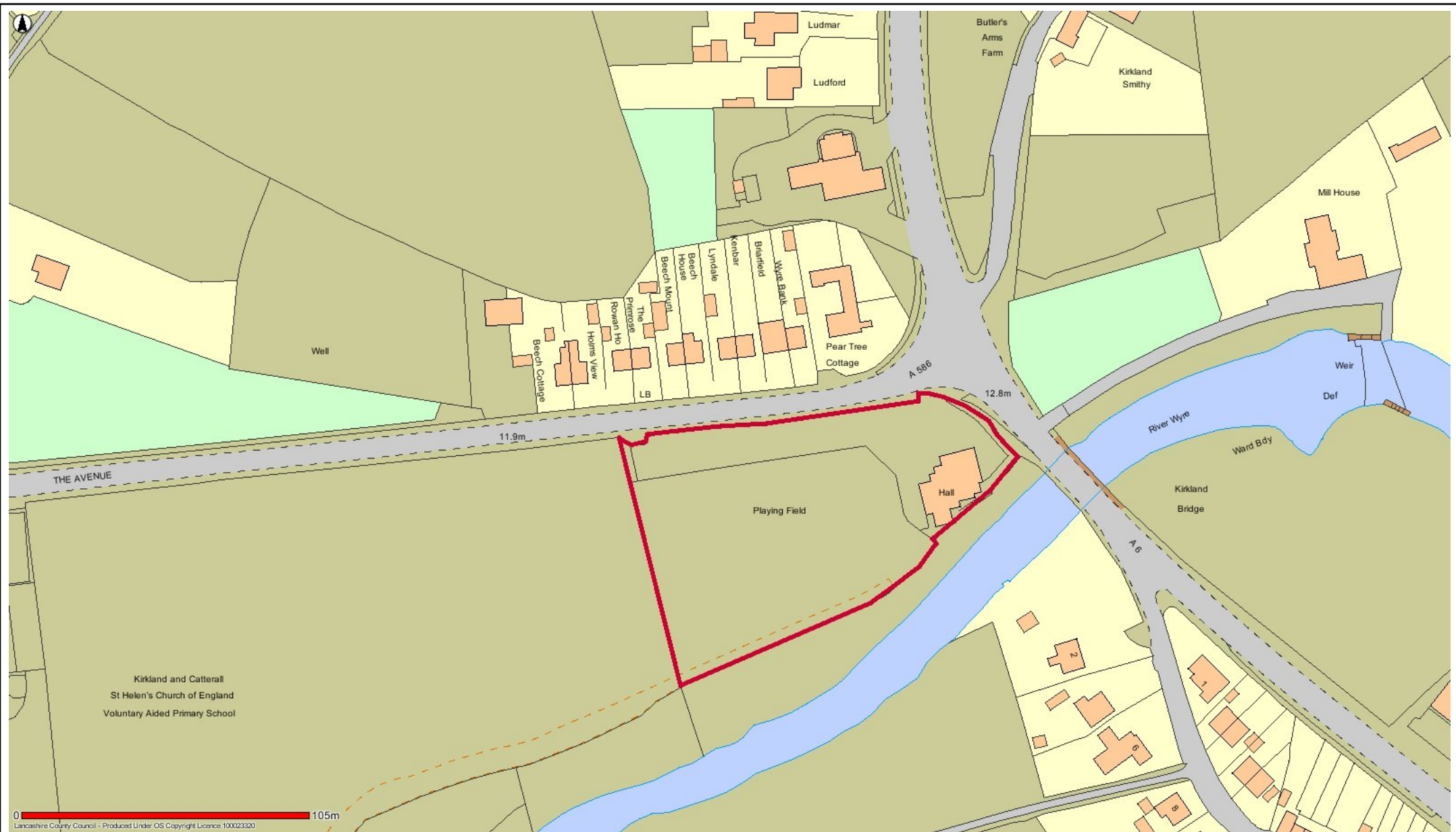


OW12 Smallwood Hey Pilling



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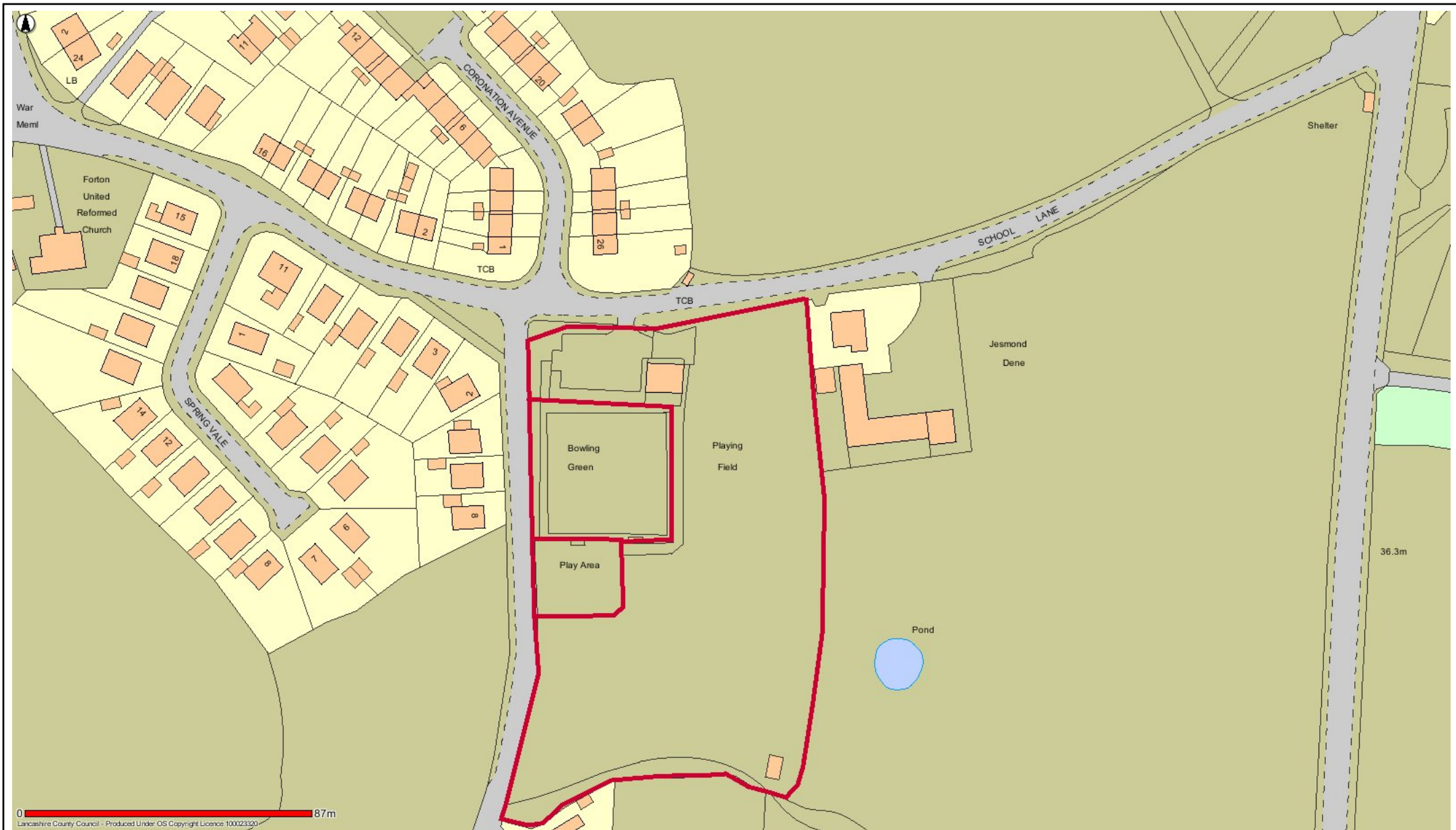


OW13 Churchtown Recreation Ground



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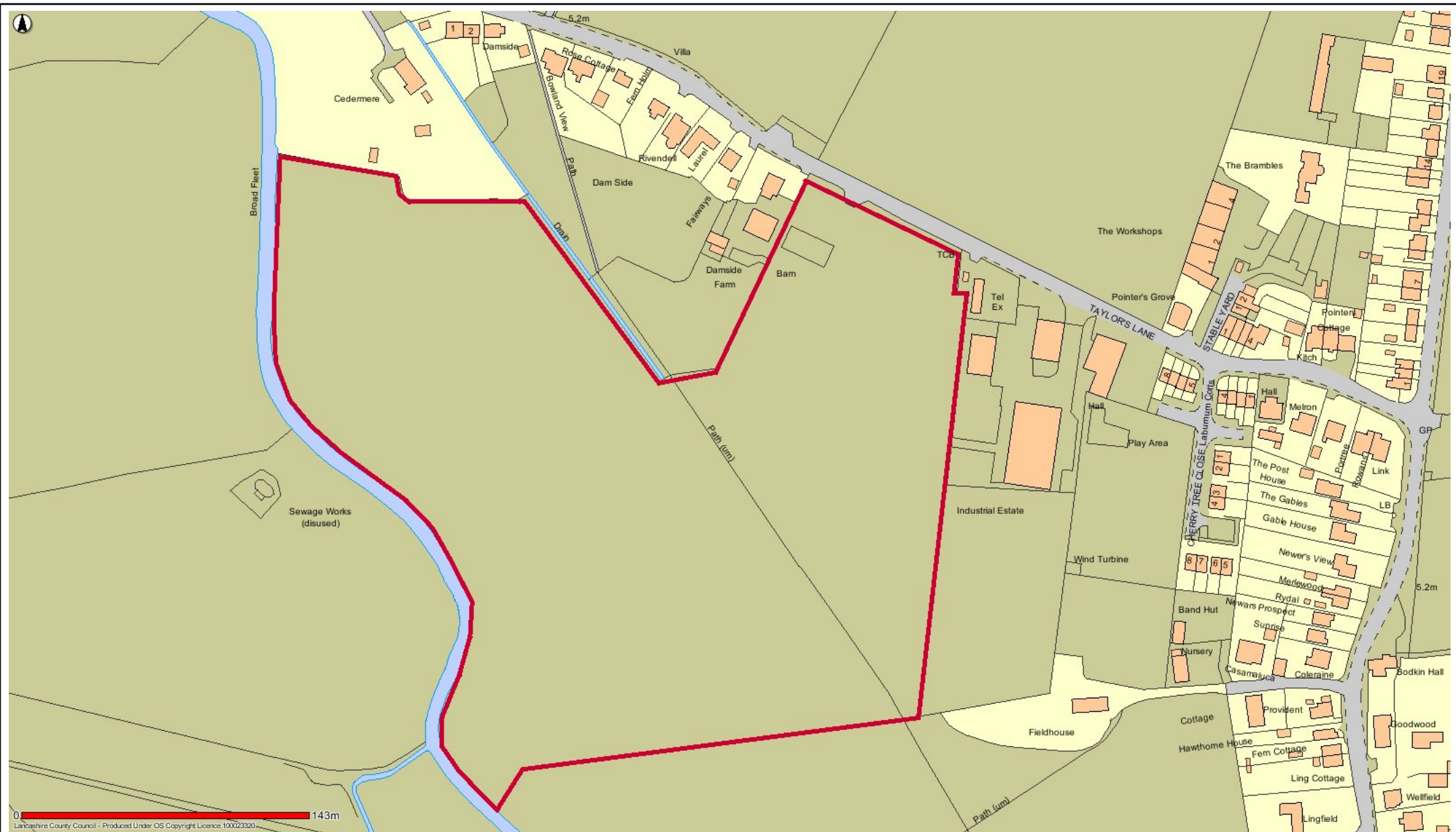


OW14 Forton Playing Field



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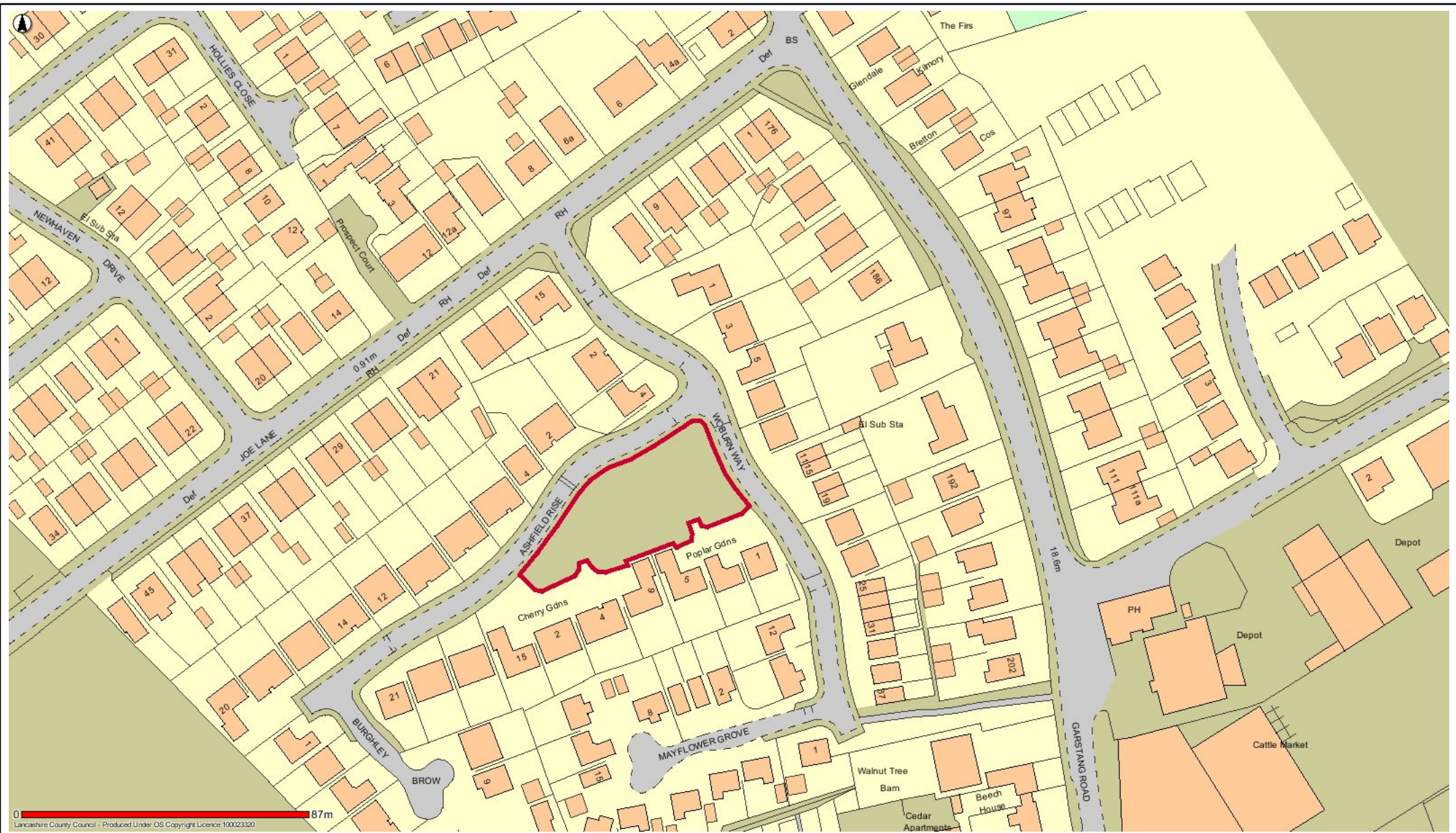


OW15 Pilling Memorial Hall recreation ground



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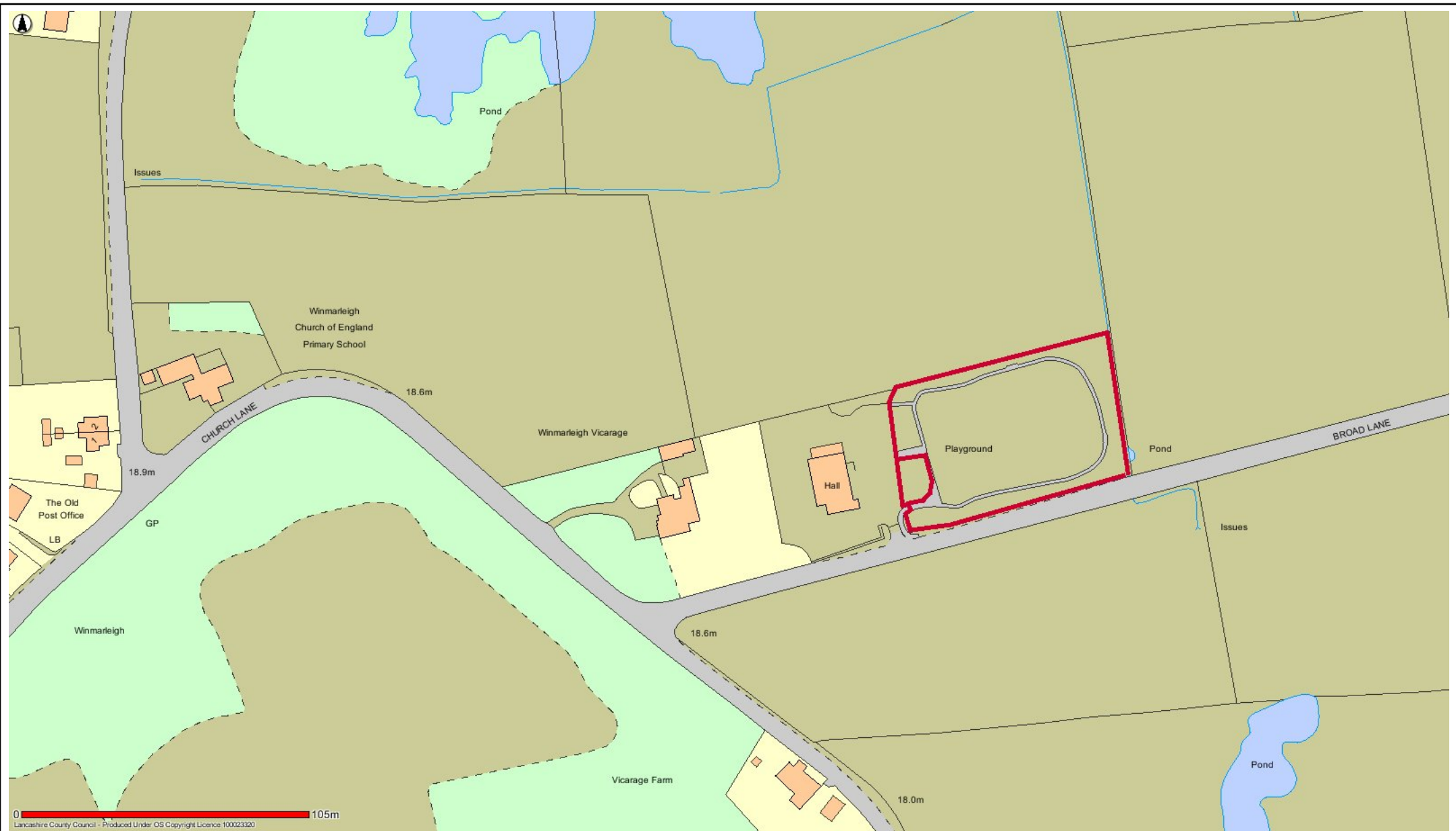


OW16 Woburn Way Cloughton on Brock



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OW17 Scotts Green Winmarleigh



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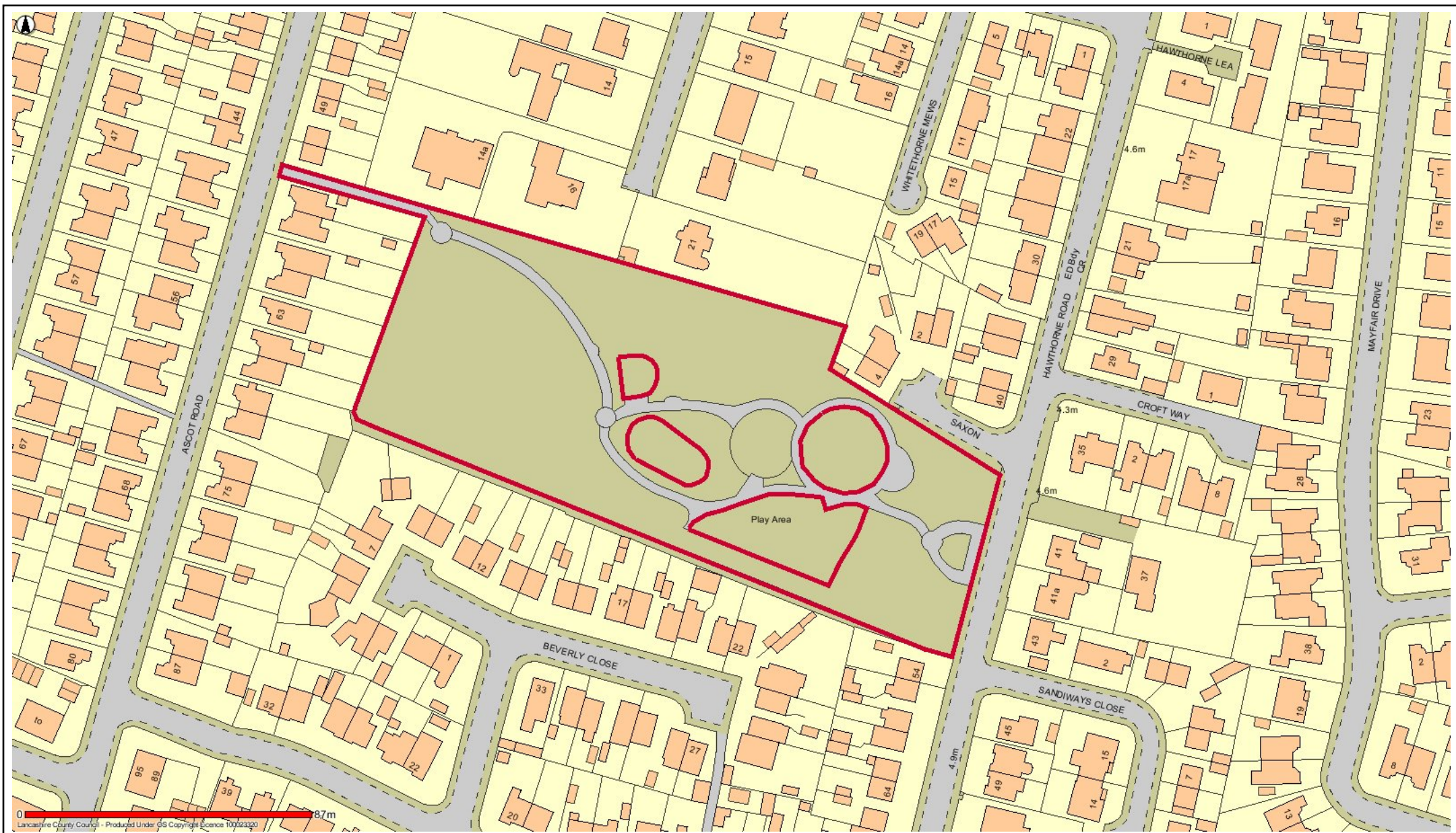
TC14 Cleveleys Promenade from Five Bar Gate Rossall Beach to Wyre Boundary



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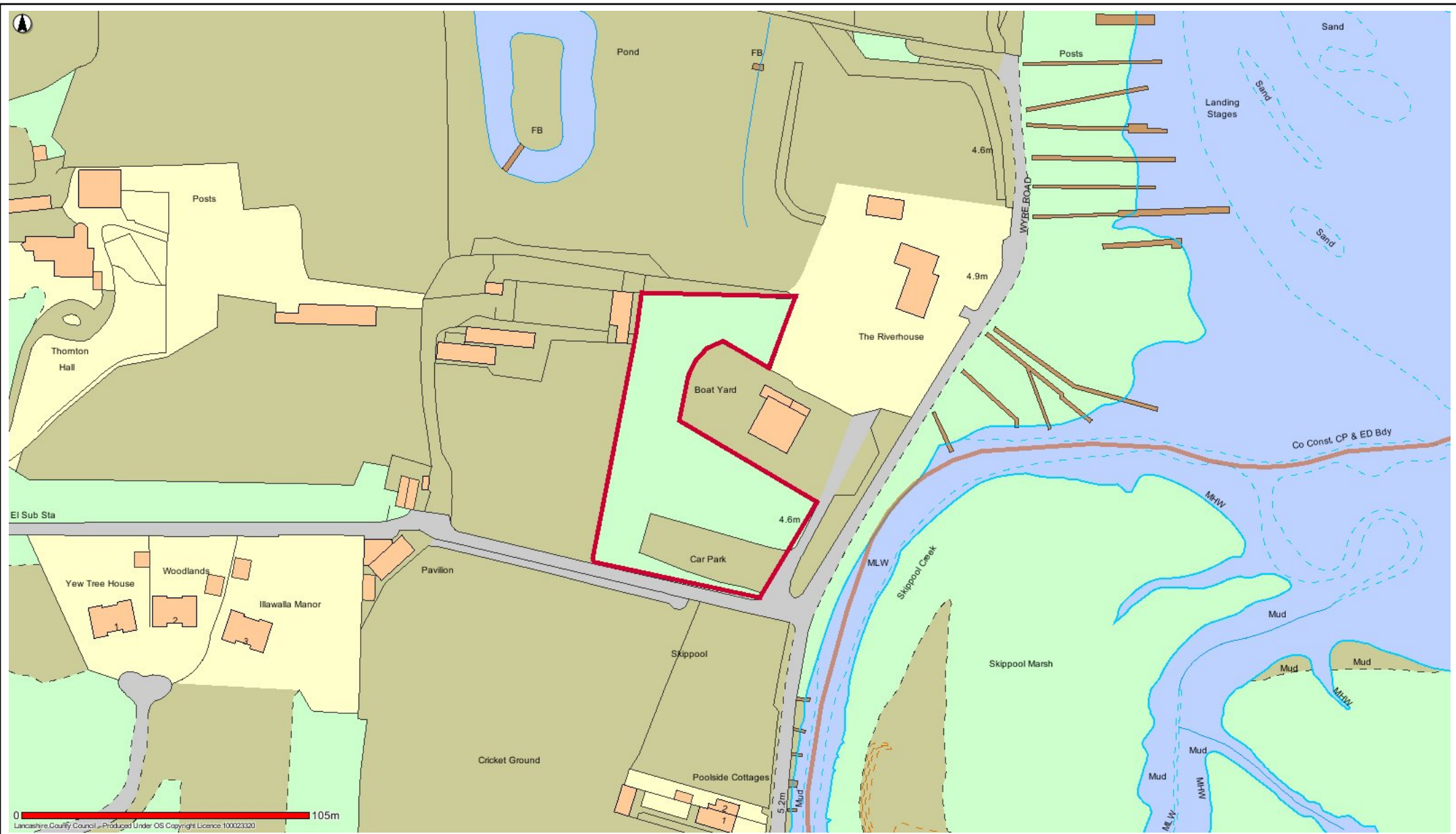


TC15 Hawthorne Park Thornton



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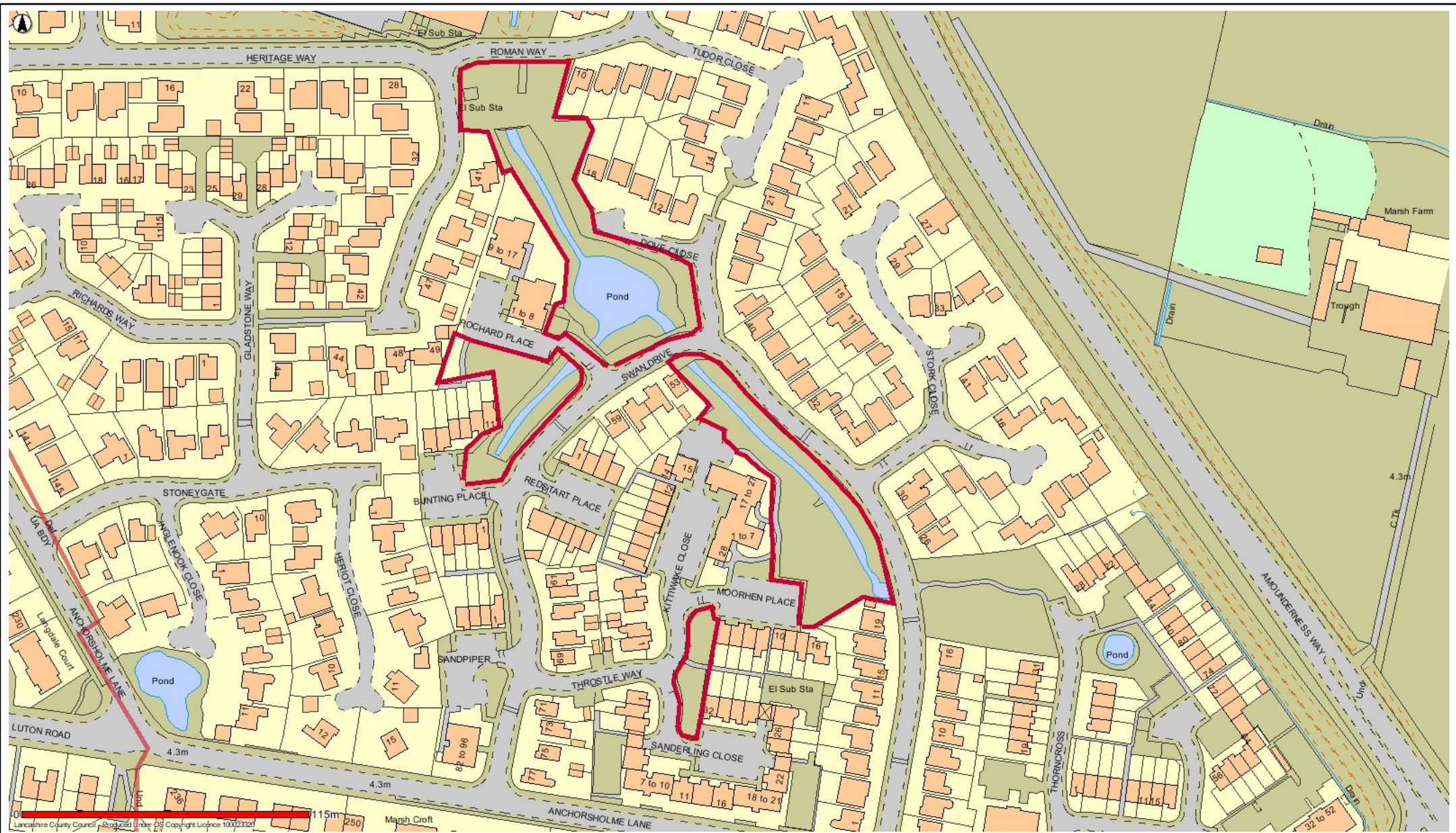


TC16 Skippool Amenity Site



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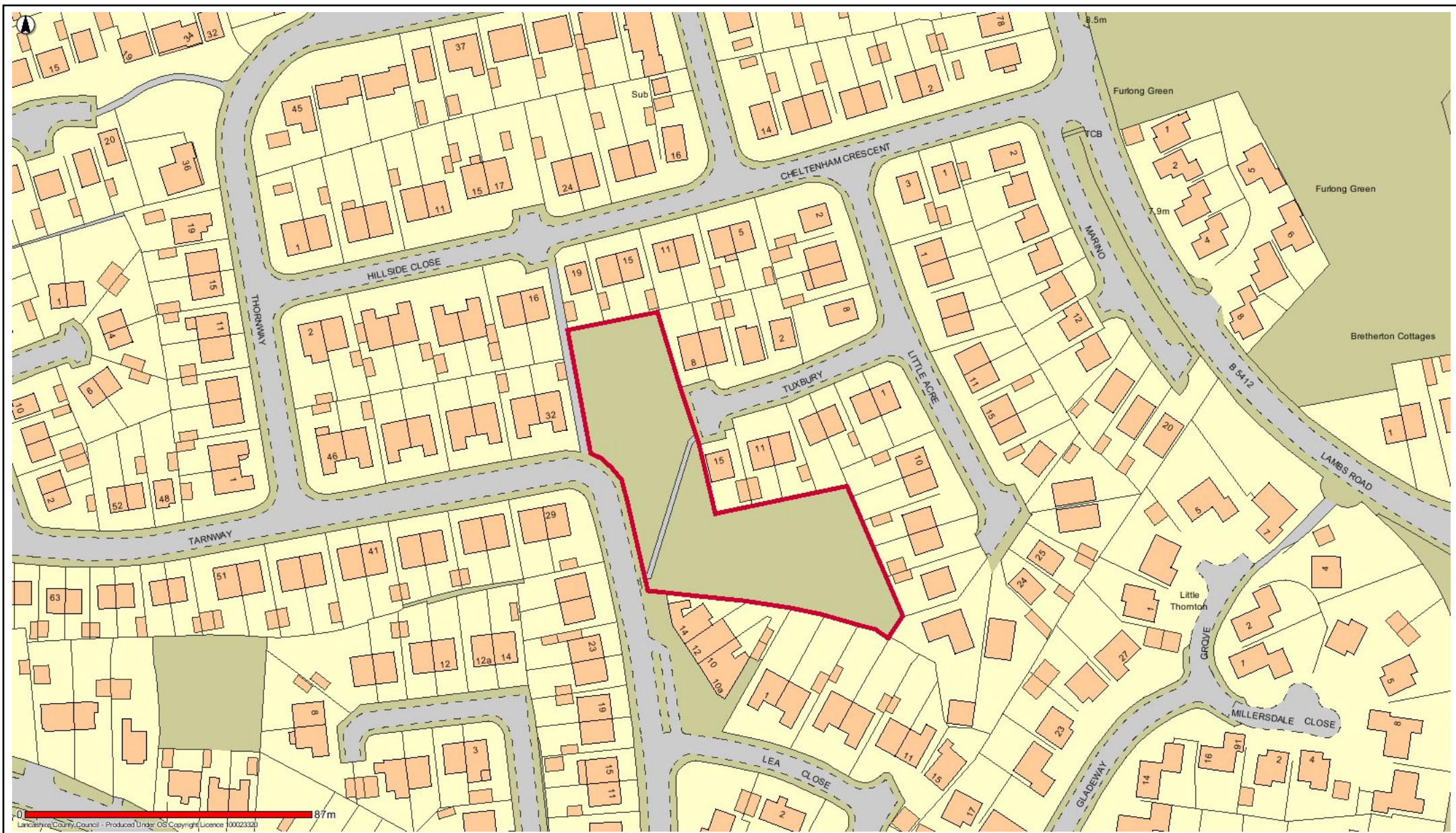


### TC17 Swan Drive Open Space



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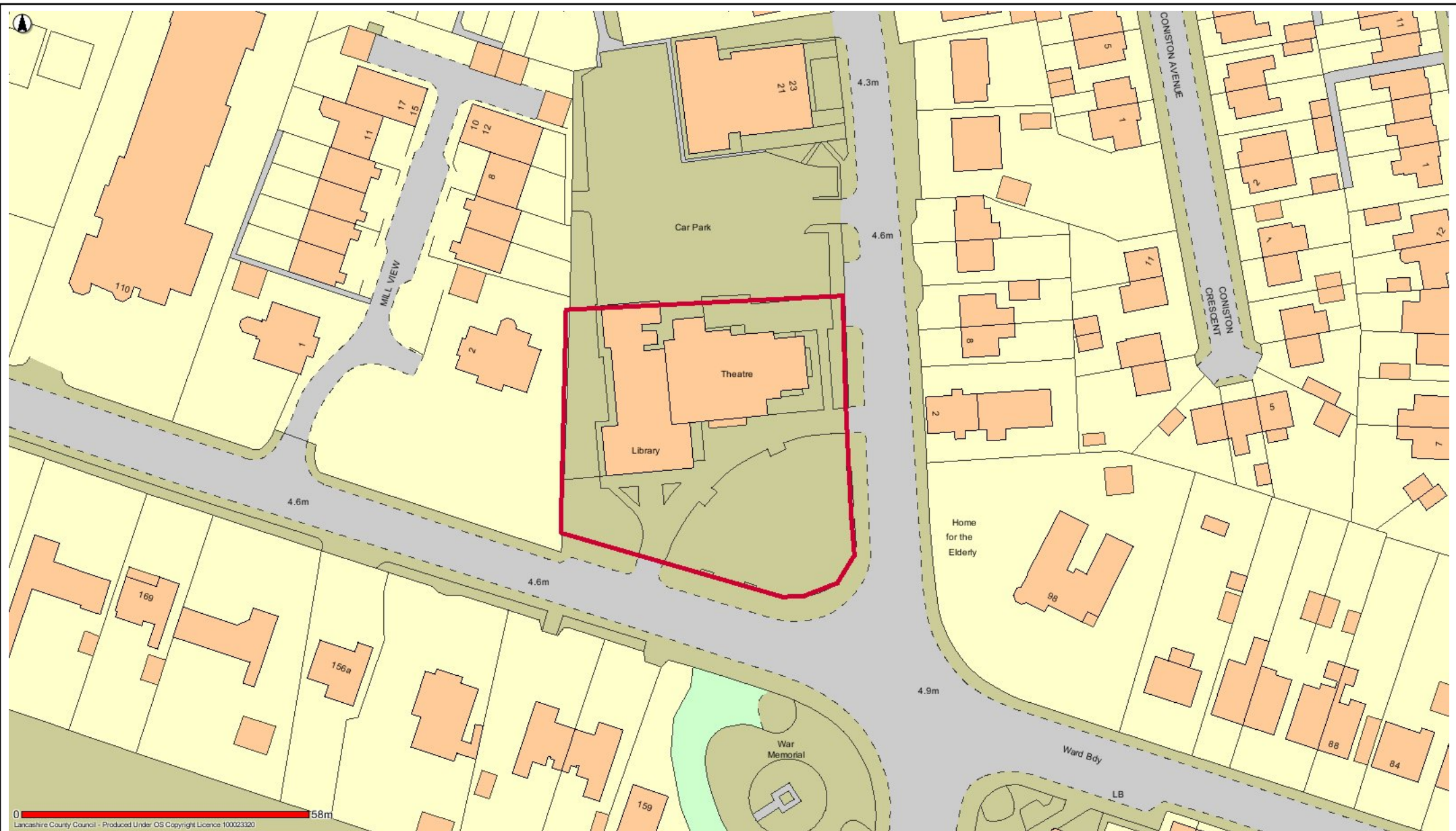


TC18 Tarnway Thornton



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TC19 Thornton Little Theatre



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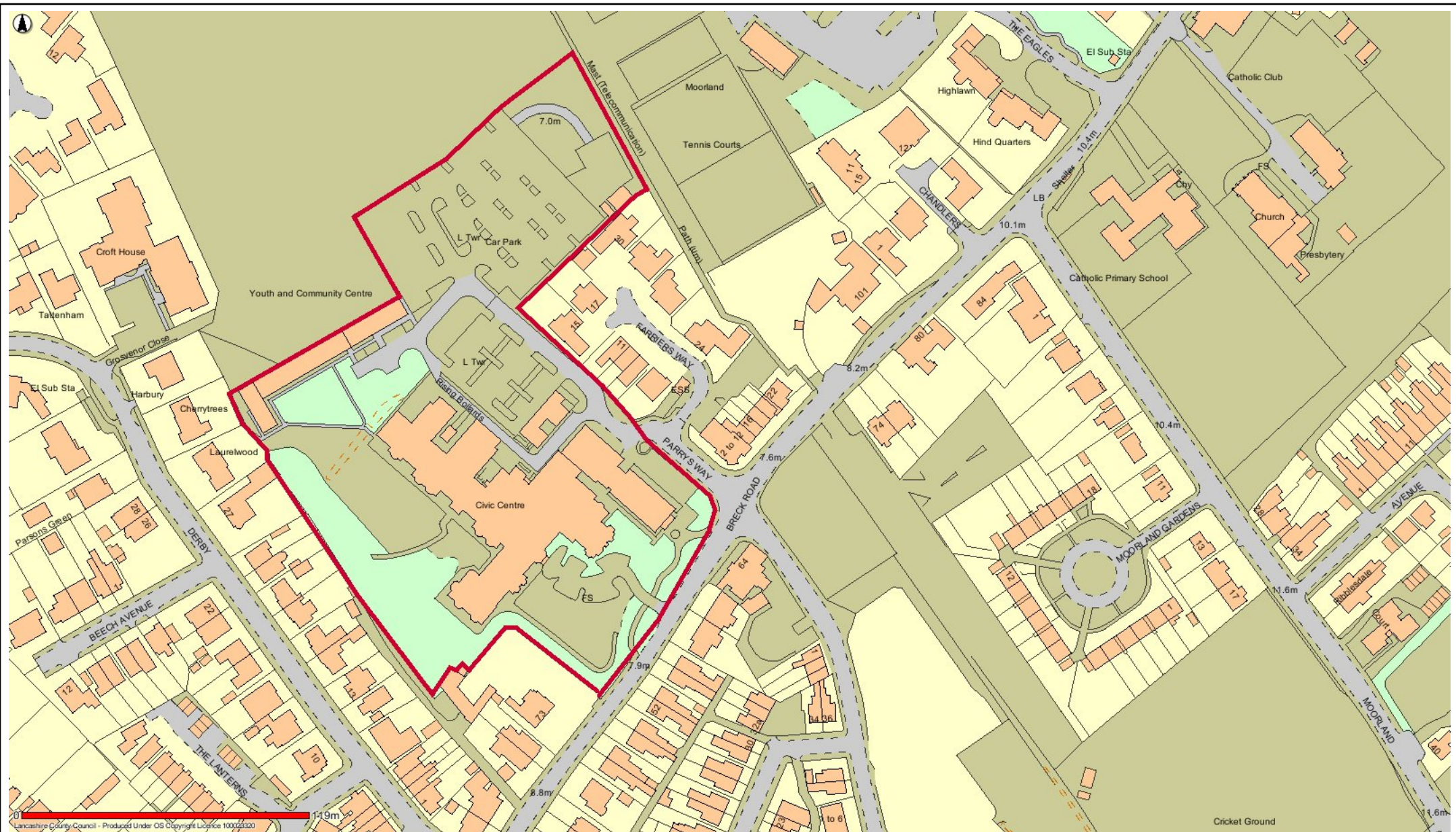


PLF8 Carrabine Park Carleton



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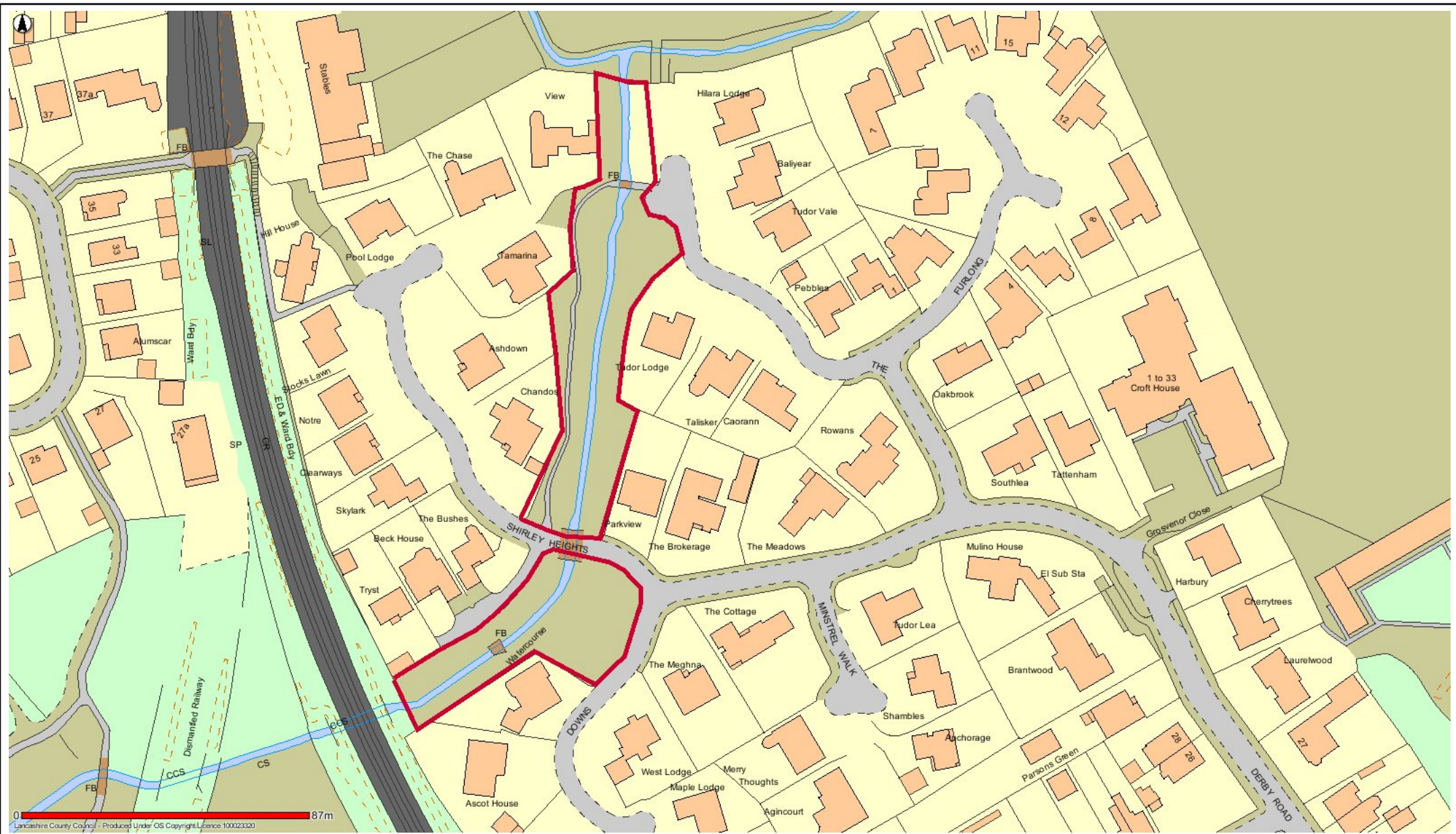


PLF9 Wyre Civic Centre Grounds



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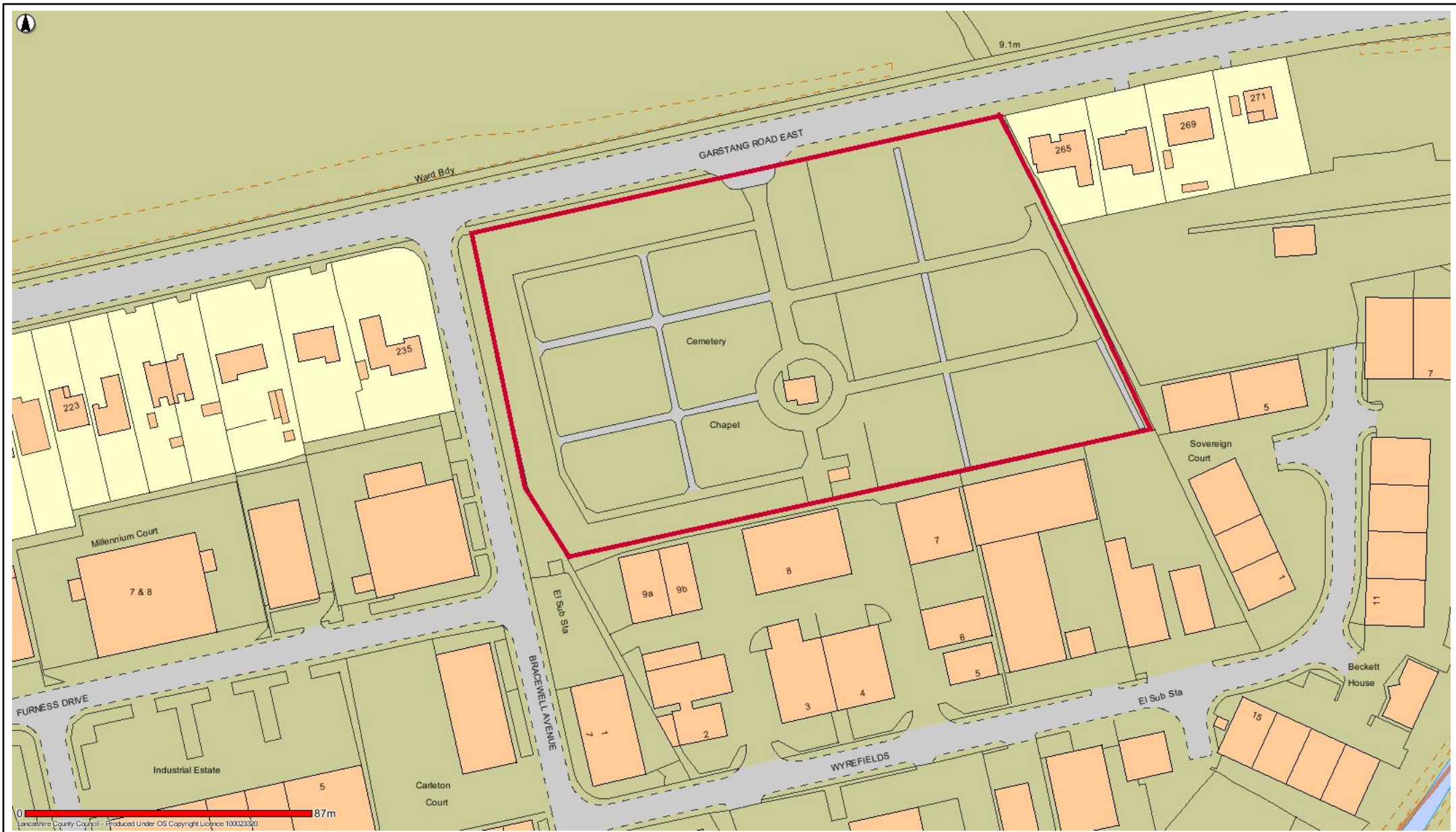
PLF10 Derby Rd/Shirley Heights



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PLF11 Garstang Road Cemetery



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PLF12 Moorland Road Cemetery



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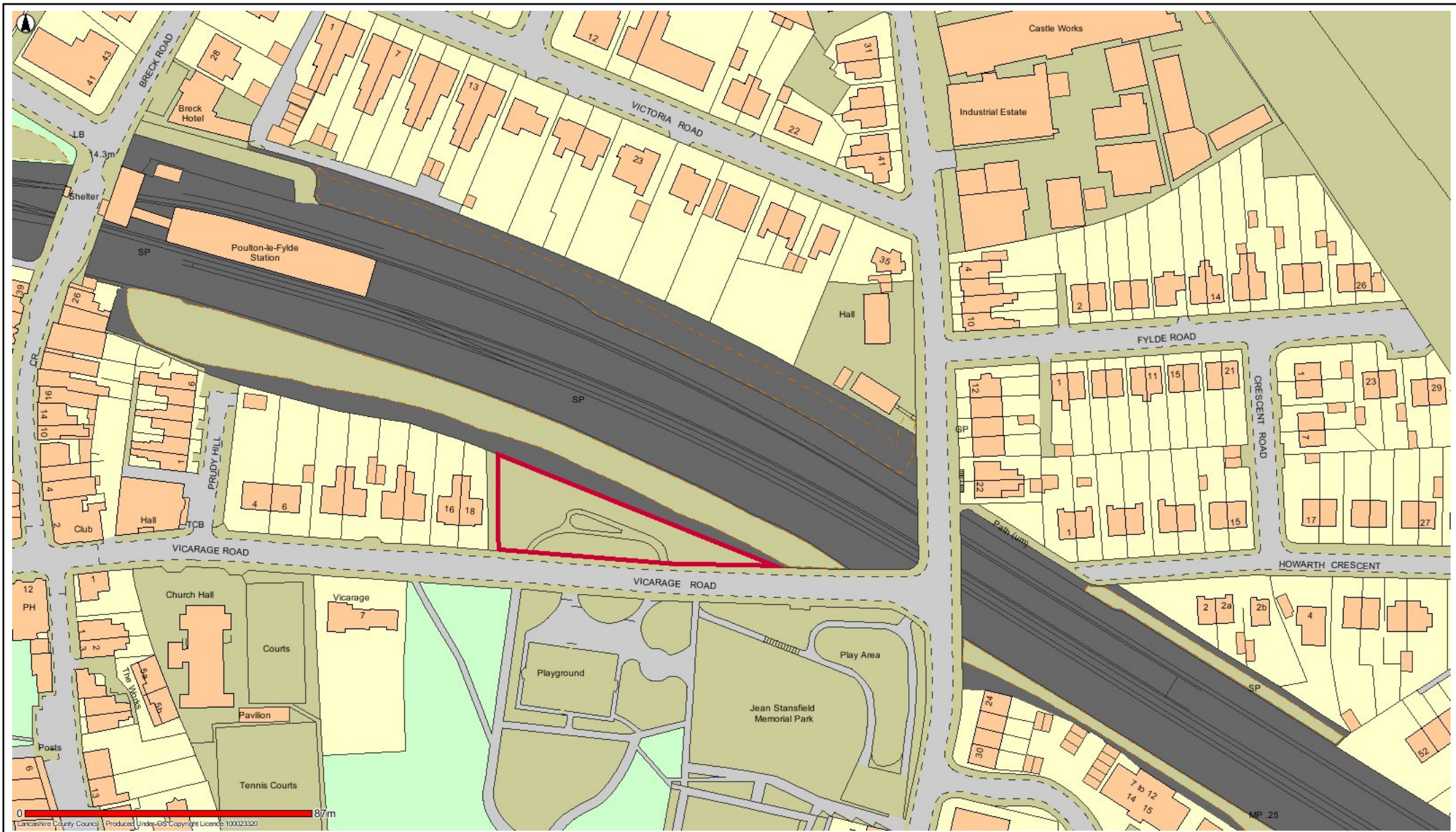


PLF13 Poulton Health and Fitness Centre



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PLF14 Tomlinson Gardens



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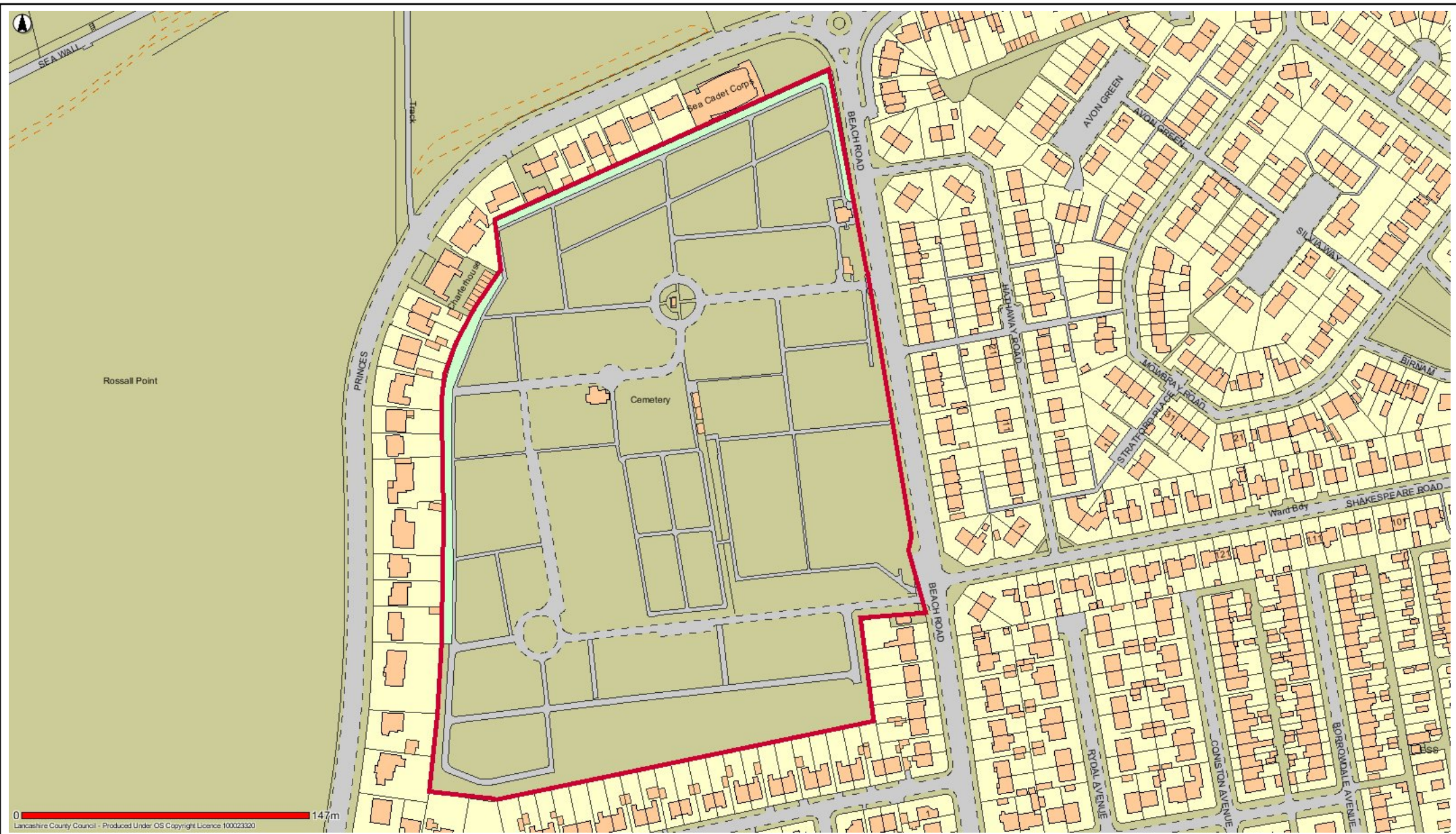


### FWD10 Euston Park



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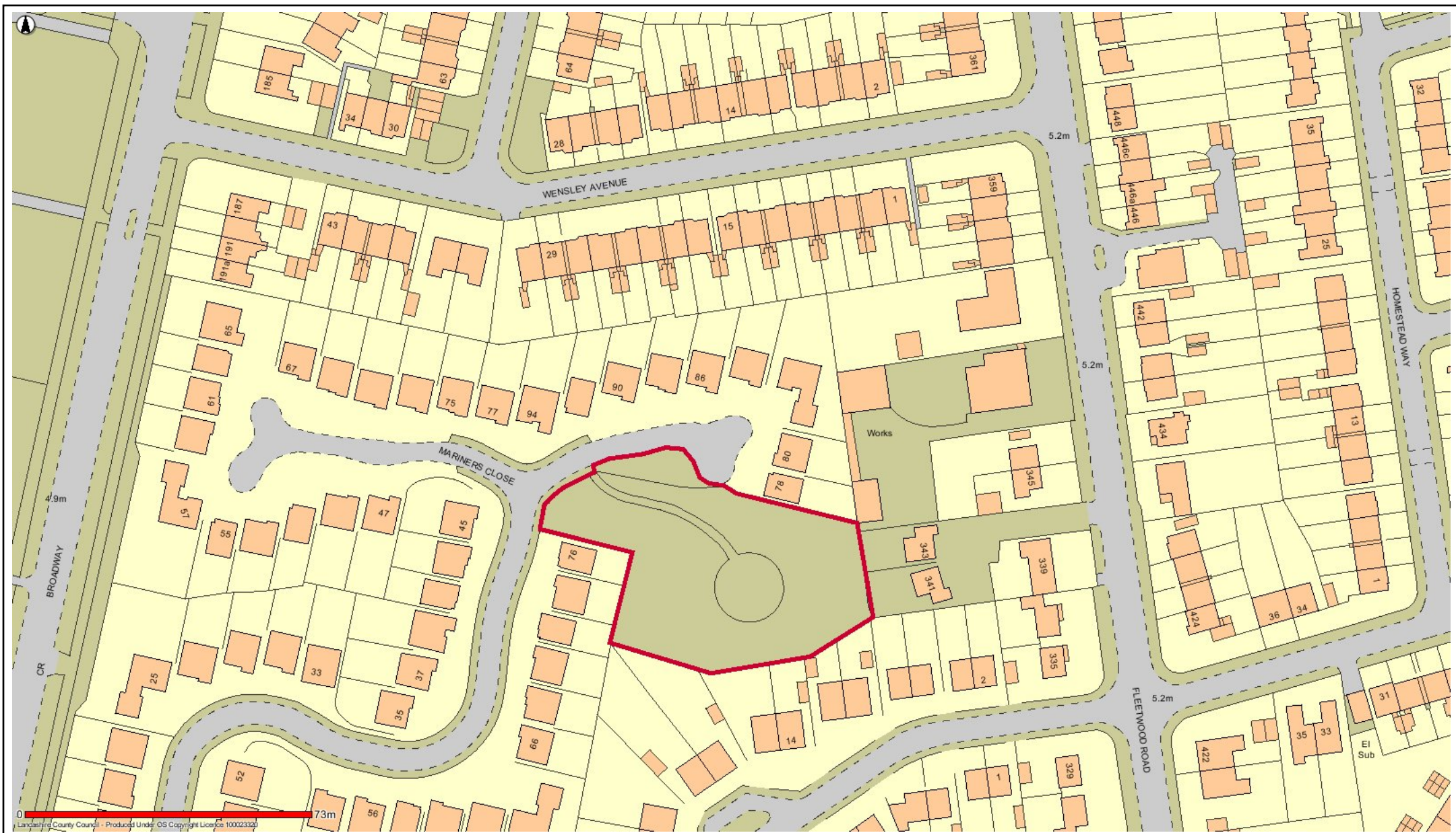


FWD11 Fleetwood Cemetery



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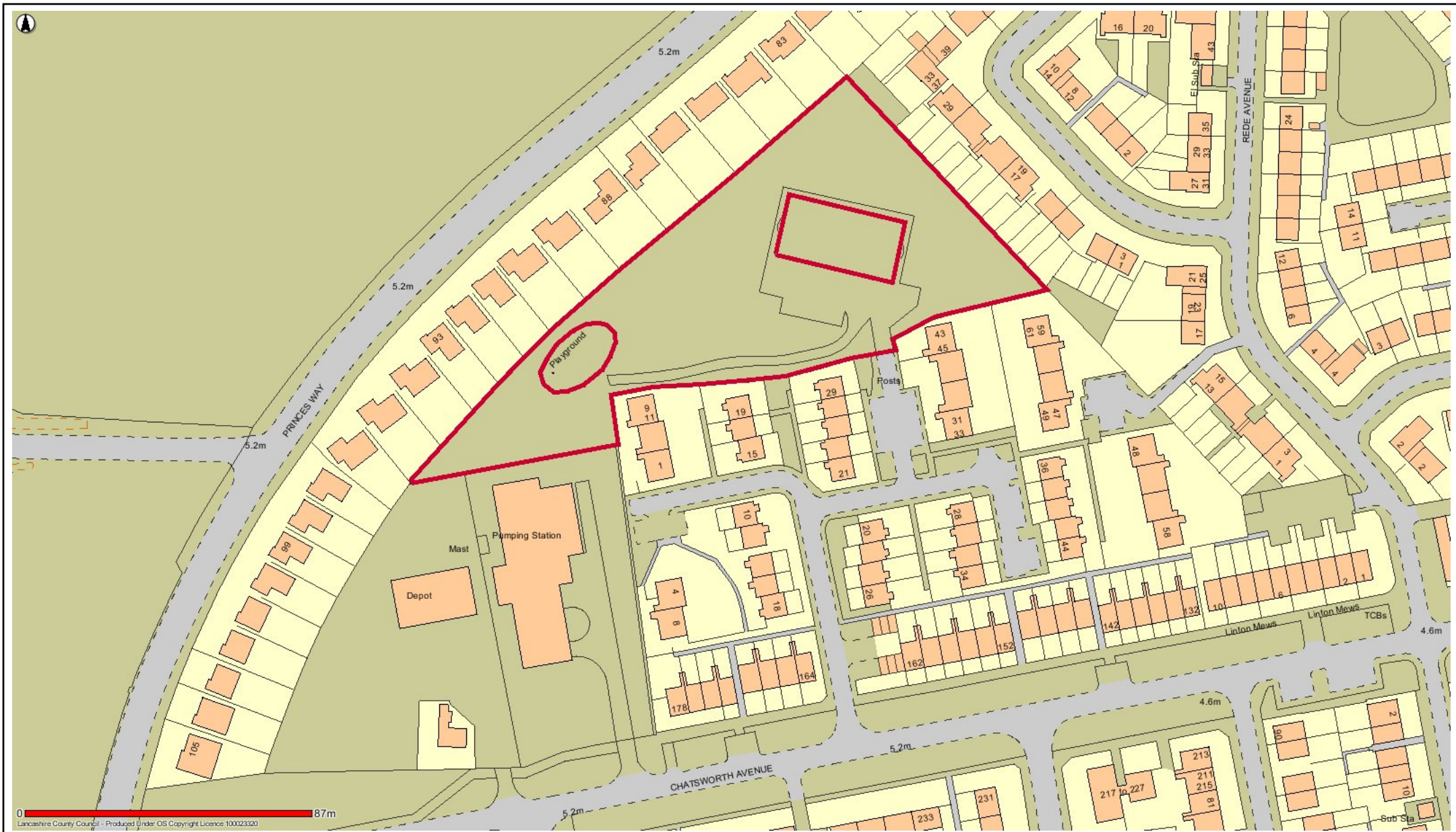


### FWD12 Mariners Close Open Space



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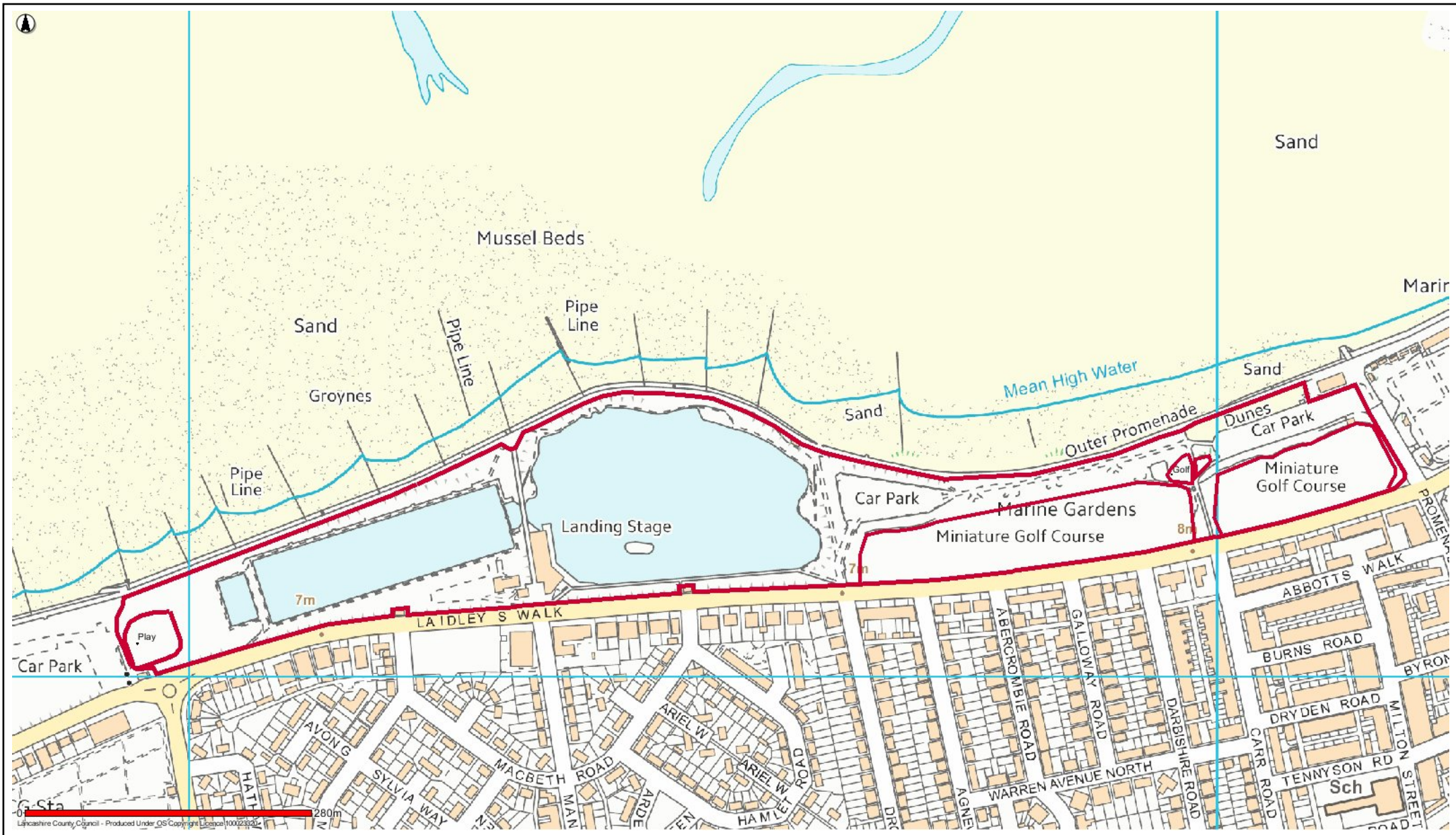
### FWD13 Martindale Park



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FWD14 Marine Gardens Amenity Area (including lakes, pitch and putts)



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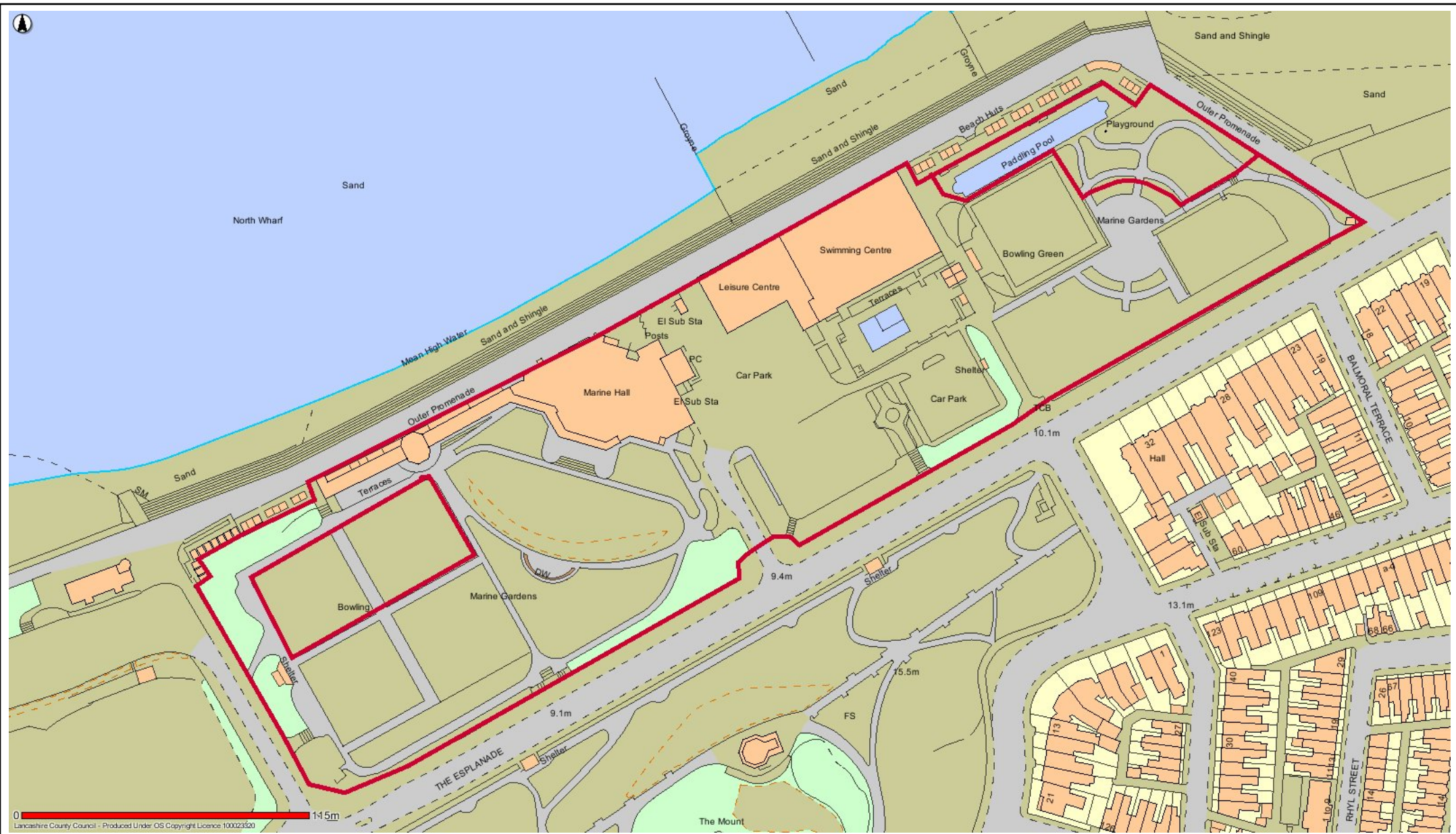


FWD15 Land between Fleetwood Prom and golf course from Rossall Picnic Site to Fairway including brideway



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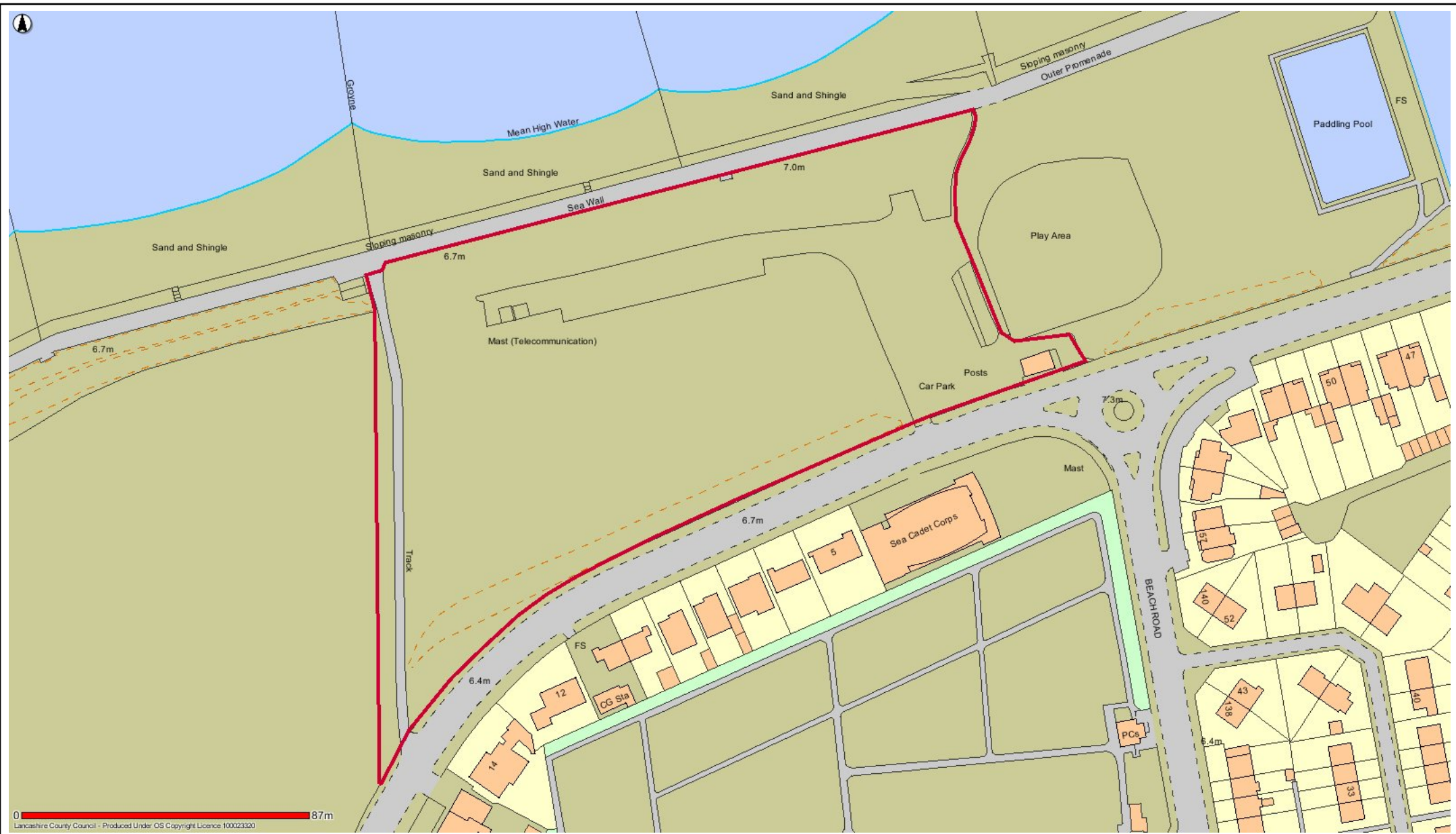


### FWD16 Marine Hall Gardens



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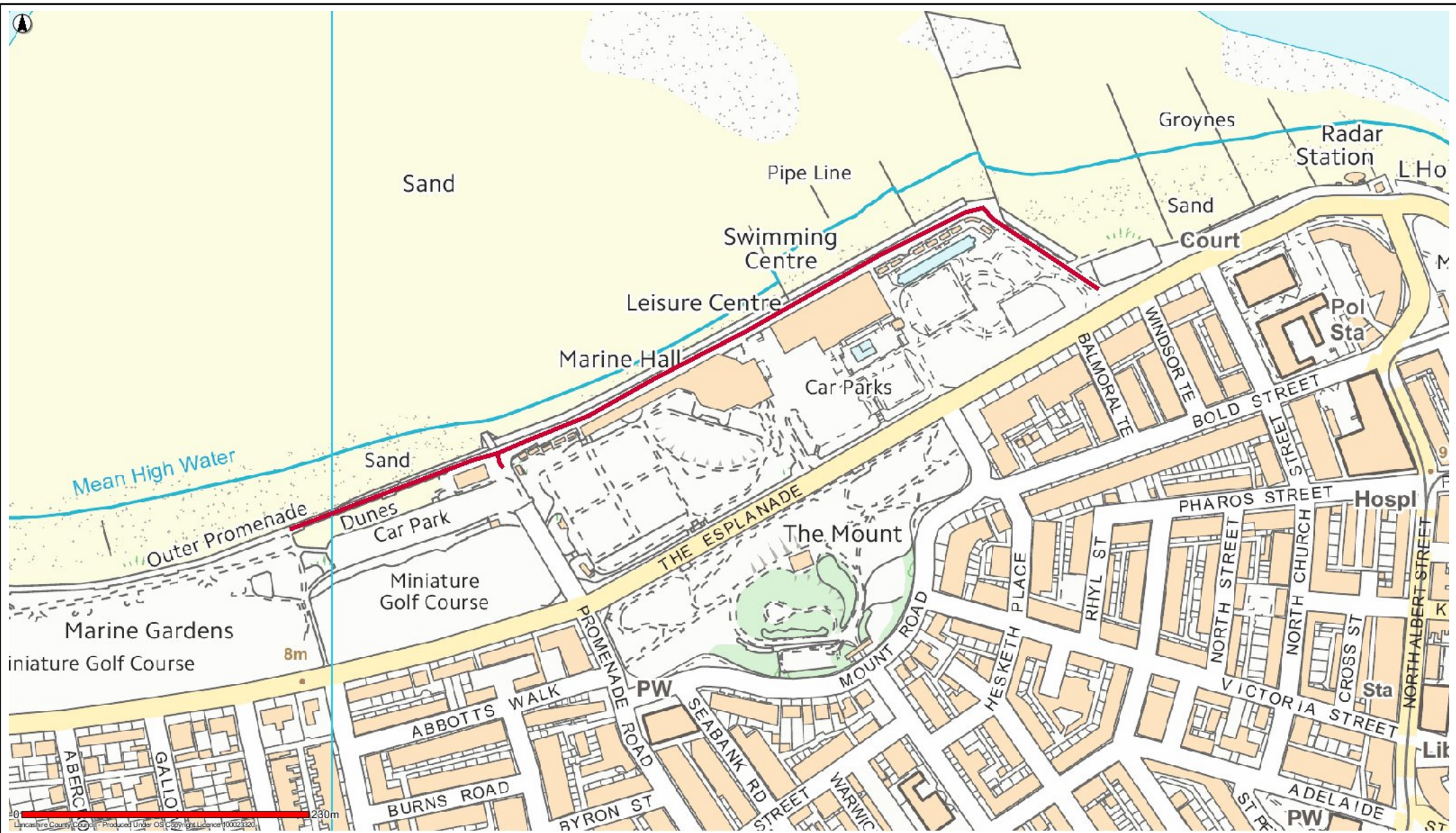


### FWD17 Rossall Point Picnic Site



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FWD18 Fleetwood Promenade from former pier site to opposite Carr Road

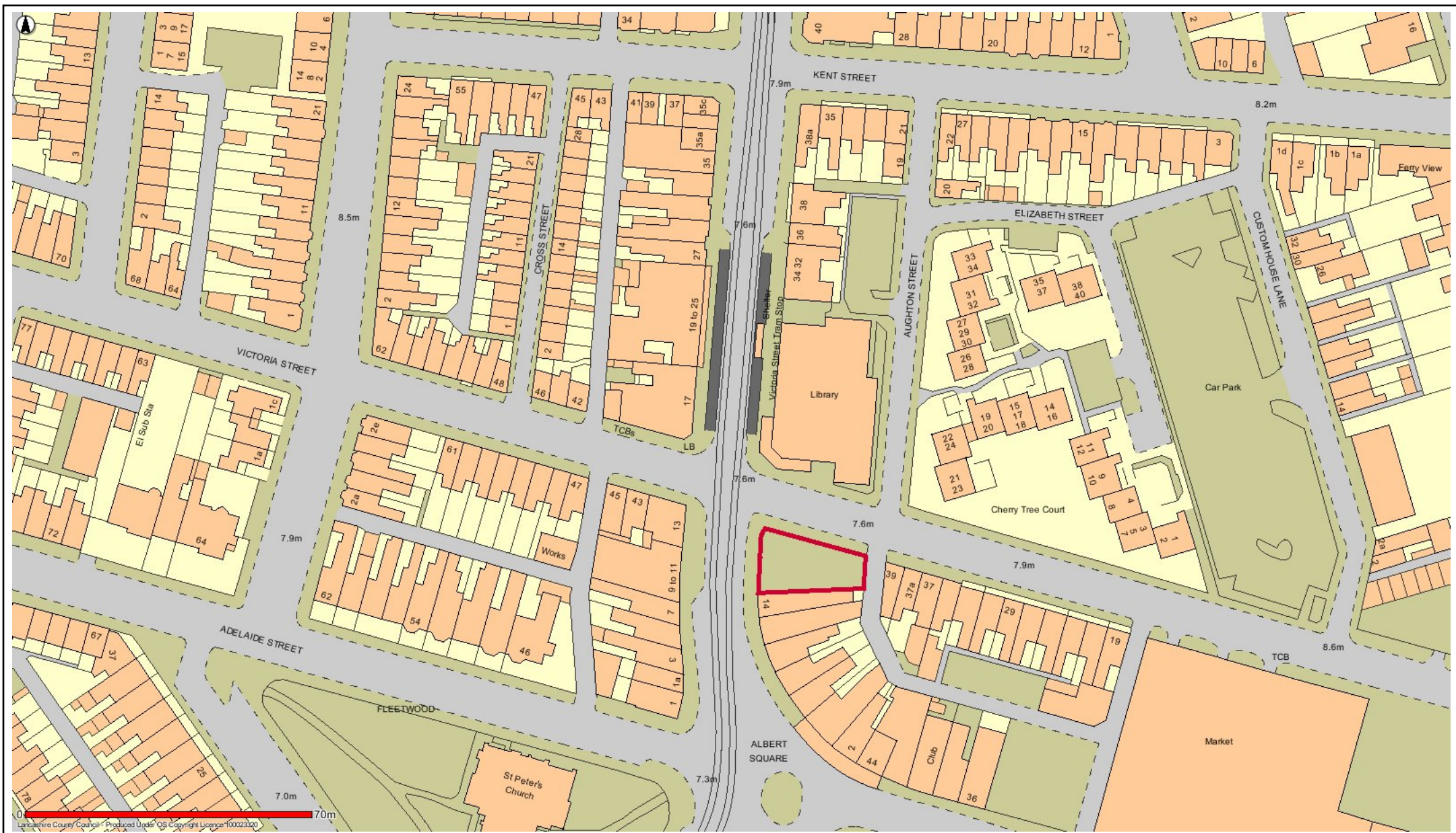


### FWD19 Westview Park



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### FWD20 Pocket Park (Victoria St)



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