

Appendix A (Including Schedule 1 & 2)
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

WYRE BOROUGH COUNCIL
DOG CONTROL AND DOG FOULING
PUBLIC SPACES PROTECTION ORDER 2023

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 / colour 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 under close control 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 keep the dog on a lead under close control 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 forthwith 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 / organisation 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 2023.

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.

