

KNOWSLEY METROPOLITAN BOROUGH COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014

THE KNOWSLEY METROPOLITAN BOROUGH COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2021

The Knowsley Metropolitan Borough Council “the Council” makes this Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), having consulted as required by section 72.

The Order takes effect on 15th March 2021 and has a duration of 3 years.

1. Fouling on Land by Dogs

(1a) This part of the order applies to all public places in the borough of Knowsley.

For these purposes, a ‘public place’ means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Offence

(1b) If a dog defecates at any time on land to which this order applies and a person who is in charge of a 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
- (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.

(1c) Nothing in this part applies 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) Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
- (c) To the normal activities of a working dog, whilst the dog is working. This includes dogs that being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty’s armed forces; and farm dogs that are being used to herd or drive animals;

(1d) For the purpose of this section –

- (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) Each of the following is a 'prescribed charity' –
 - (i) Dogs for the Disabled (Registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

2. Dogs on Leads by Direction

- (2a) This Order applies to all land which is within the administrative area of Knowsley and which is -
 - (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
 - (ii) to which the public are entitled or permitted to have access with or without payment or otherwise, as of right or by virtue of express or implied permission.

Offence

- (2b) A person in charge of a dog shall be guilty of an offence, if at any time, on any land to which this Order applies, he does not comply with a direction given by an authorised officer of the Authority to put and keep a dog on a lead unless -
 - (a) he has a reasonable excuse for failing to do so: or
 - (b) the owner, occupier or other person or authority having control of this land has consented (generally or specifically) to his failing to do so.
- (2c) For the purpose of this article -
 - (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) an authorised officer of the Authority may only give a direction under this Order 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 (on any land to which this Order applies) or the worrying or disturbance of any animal or bird.
 - (c) 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 Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals;

3. Dogs on Leads in cemeteries, Council owned allotments and golf courses

- (3a) This Order applies to the restricted area detailed in Schedule 1:

Offence

- (3b) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead unless –
 - (a) He 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 consent (generally or specially) to failing to do so.
- (3c) For the purpose of this part a person who habitually has a dog in his possession shall be taken to be in charge of the dog.
- (3d) Nothing in this part applies to a person who –
 - (a) 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 Her Majesty's armed forces;

4. The Dogs Excluded

- (4a) This order applies to all enclosed children's play areas, Enclosed Multi Use Games Areas, and Areas Used for some other sporting or leisure purpose within the administrative area of Knowsley Council that are within the restricted area referred to in Schedule 2. ()
- (4b) This Part of the Order applies to all enclosed children's play areas in the Knowsley borough that are open to the air. For these purposes land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.
- (4c) For the purposes of this part of the Order:-
 - (a) A "children's play area" is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus.
 - (b) A children's play area is "enclosed", if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the play area.
 - (c) An enclosed Multi Use Games Area is "enclosed", if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the area.

Offence

- (4d) 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 to remain, on any land to which this Order applies unless –
 - (a) he has a reasonable excuse for failing to do so: or

(b) the owner, occupier or other person or authorised having control of this land has been consented (generally or specifically) to his failing to do so.

(4e) Nothing in this part applies 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 the 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 turn left, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(d) Nothing in this part shall apply to dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces;

(4f) For the purposes of this part –

(a) A person who habitually has a dog in this 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; and

(b) Each of the following is a prescribed charity –

(i) Dogs for the Disabled (registered charity number 700454)

(ii) Support Dogs (registered charity number 1088281)

(iii) Canine Partners for Independence (registered charity number 803680)

5. Means to Remove Dog Faeces

(5a) This part of the order applies to all public places in the borough of Knowsley.

For these purposes, a 'public place' means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Offence

(5b) A person in charge of a dog(s) on land to which this order applies to fail 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) when asked to do so by an authorised officer 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.

(5c) Nothing in this part applies 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 the 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 turn left, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (d) Nothing in this part shall apply to dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces;

(5d) For the purposes of this part –

- (a) A person who habitually has a dog in this 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; and
- (b) each of the following is a prescribed charity –
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

Other Matters

(6a) Authorised Officer

In this Order “an authorised officer” means an authorised officer of the council, a police officer, a police community support officer or an officer accredited under the community safety accreditation scheme as designated by the council.

6. Penalty

(7a) If any breach of an offence under this Order occurs a Fixed Penalty Notice of £100 can be issued. Failure to pay may lead to prosecution. A person who is guilty of an offence under article 1 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

APPEALS:

In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order or Variation is made.

RESTRICTED AREAS

SCHEDULE 1

- 1) All cemeteries and allotments within the administrative area of Knowsley Council specified below:
[LIST TO BE INCLUDED ONCE APPROVED]

SCHEDULE 2

- 2) All enclosed children’s play areas, enclosed multi use games areas, and areas used for some other sporting or leisure purpose within the administrative area of Knowsley Council that are specified below:

[LIST TO BE INCLUDED ONCE APPROVED]

APPENDIX:

Maps of the restricted areas to which this order applies.

[TO BE INCLUDED ONCE APPROVED]



Signed.....
Executive Director (Resources)



Signed.....
Interim Assistant Executive Director (Culture and Regulation)

By authority of the Knowsley Metropolitan Borough Council under section 101 of the Local Government Act 1972

Address

Dated:.....