

The Anti-social Behaviour, Crime and Policing Act 2014

Section 59

Manchester City Council (Dog Fouling) Public Spaces Protection Order 2019

Manchester City Council (in this Order called "the Council") in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act ") hereby makes the following Order:

The Order is made on the 26th July 2019 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.

General provisions:

1. This Order applies to all land in the Restricted Area 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.
2. The Council is satisfied that both of the conditions set out in Section 59 of the Act are satisfied, because the activities, identified in Articles 5 and 6 of this Order, which are carried on in a public place ("the Restricted Area") have a detrimental effect on the quality of life of those in the locality and this effect is or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by this Order.
3. The Order is available for inspection on the Council's website and also at the offices of the Customer Services Centre, Ground Floor, Town Hall Extension, Manchester M60 2LA.
4. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Obligations on persons with dogs:

5. Fouling

If a dog defecates at any time on land specified in the Schedule to this Order a person who is in charge of the dog at the time must remove the faeces from the land forthwith 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

A person in charge of a dog on land specified in the Schedule to this Order must have with him an appropriate means to pick up dog faeces deposited by that dog forthwith 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 obligation is complied with if, after a request from an authorised officer or constable, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Exemptions

Nothing in this Order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his ability to comply with the Order and the dog is their guide dog or assistance dog.

For the purpose of this Order:

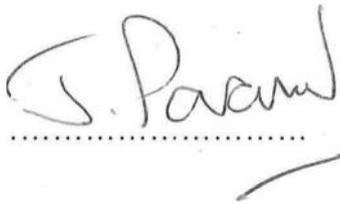
- (a) Restricted Area means the land designated in the Schedule to this Order.
- (b) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- (c) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- (d) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to remove the faeces.
- (e) "an authorised officer " means an employee, partnership agency or contractor of Manchester City Council who is authorised in writing by Manchester City Council for the purposes of giving directions under the Order.
- (f) An assistance dog, in general, is one that is trained to aid or assist a disabled person.
- (g) An appropriate means is defined as any poop scoop bag, disposal bag or other suitable container for disposal of dog faeces. By way of guidance a trouser or coat or other pocket is not such an item. Neither is a handbag, rucksack, purse or sports bag.

Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of an offence and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF MANCHESTER

was hereunto affixed in the pursuance of an order of the Council of the said City :-

A handwritten signature in black ink, appearing to read 'S. Parnell', written over a dotted line. A horizontal line is drawn below the signature.

Authorised signatory

Dated this 26th day of July 2019



01101921

Schedule

All land open to the air and to which the public are entitled or permitted to have access (with or without payment) in the City Of Manchester.