

Sefton Metropolitan Borough Council

Public Spaces Protection Order

Dog Control

Anti-social Behaviour, Crime and Policing Act 2014, Part 4

Sefton Metropolitan Borough Council in exercise of the powers conferred on it by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 makes the following Order —

1. Citation

This Order may be cited as the **Sefton MBC Public Spaces Protection Order [Dog Control]** and for the purposes of any enforcement proceedings, Notices, documents or correspondence the short title **Dog Control Order** may be given.

2. Interpretation

- (1) In this Order the expressions "the Authority" or "the Council" shall mean Sefton MBC whose principal offices are Magdalen House, 30 Trinity Road, Bootle, L20 3NJ.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").
- (3) For the purposes of this Order a person who habitually has a dog in his/her 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.
- (4) Any reference in the Schedules to this Order to "prescribed charity" shall mean any of the following charities —
 - (a) **Dogs for the Disabled** (registered charity number 1092960);
 - (b) **Support Dogs** (registered charity number 1088281);
 - (c) **Canine Partners for Independence** (registered charity number 803680);
 - (d) **Dog A.I.D.** (registered charity number 1098619);
 - (e) **Dogs for Good** (registered charity number 1092960);
 - (f) **Guide Dogs** (registered charity number 209617); and
 - (g) **Hearing Dogs for Deaf People** (registered charity number 293358).

3. Effect

(1) This Order shall come into force on **28th April 2021**

(2) This Order is made as the Council is satisfied on reasonable grounds that the two conditions prescribed by section 59(2) and (3) of the Act have been met, namely:

(a) **The first condition:**

- (i) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality ("the Activities"); or
- [ii] It is likely that activities will be carried on in a public place within the Authority's area ("the Activities") and that they will have a detrimental effect on the quality of life of those in the locality;

and such Activities are set out in the respective Schedules to this Order

(b) **The second condition:**

The effect, or likely effect, of the Activities —

- (i) is, or is likely to be, of a persistent or continuing nature,
- (ii) is, or is likely to be, such as to make the activities unreasonable, and
- (iii) justifies the restrictions imposed by this Order.

(3) This Order relates to each public place referred to in **Schedules 1, 2, 3 4 and 5** to this Order ("the Restricted Areas") together with such other Schedules as may be included under any variation of the Order from time to time and —

- (a) prohibits specified things from being done in the Restricted Area ("the Restrictions") as may be set out in the Schedules,
- (b) requires specified things to be done by persons carrying on the activities in the Restricted Area ("the Requirements"), or
- (c) does both of those things.

4. Requirement to provide name and address

(1) For the purposes of enforcing the provisions of this Order any person who appears to a duly authorised officer of the Authority or to a Police Officer to be in charge of any dog to which the provisions of this Order apply shall

confirm their full name, address and date of birth upon any request having been made in that respect whether verbally or in writing by any such officer and within such time as may be stipulated by that officer.

5. Offence of failing to comply with this Order

- (1) It is an offence for a person without reasonable excuse—
 - (a) to do anything that a person is prohibited from doing by a public spaces protection order, or
 - (b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to the Order,
- (4) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

6. Duration of Order

- (1) This Order will remain in force for the period of **3 years** from the date that it comes into force specified in paragraph 3(1).
- (2) Before the time when this Order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent —
 - (a) an occurrence or recurrence after that time of the Activities, or
 - (b) an increase in the frequency or seriousness of the Activities after that time.
- (3) The Order may be so extended more than once.

6. Variation and discharge of the Order

- (1) The Council may vary this Order —
 - (a) by increasing or reducing the Restricted Areas;
 - (b) by altering or removing a prohibition or requirement included in the Order or adding a new one.

- (2) Where the Council considers it appropriate to do so the Order may be discharged by the Council before the end of the period that the Order may remain in force specified in paragraph 5(1).

7. Challenging the validity of the Order

- (1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely –
 - (a) that the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
 - (b) that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the Order of variation.

Dated this **28th** day of **April 2021**

The Common Seal of the **Sefton Metropolitan Borough Council**

was hereunto affixed in the presence of -



.....

Duly Authorised Officer - David McCullough, Chief Legal and Democratic Officer

SCHEDULE 1

The fouling of land by dogs

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) If a dog defecates at any time on land to which this Schedule applies a person who is in charge of that dog shall remove the faeces from the land forthwith **unless** —
 - (a) that person 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 consented (generally or specifically) to his/her failing to do so.**

3 Exemptions

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) has a disability which affects his/her 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 that person relies for assistance.

For the purposes of this Schedule —

- (a) placing faeces in a receptacle on the land which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (b) 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;

SCHEDULE 2

The exclusion of dogs from land

1. The Restricted Areas

- (1) All enclosed children's playgrounds and all fenced sports pitches including multi use game sports facilities including bowling greens within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.
- (2) All marked sports pitches within the Metropolitan Borough of Sefton within defined dates which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Restrictions

- (1) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraph 1(1) of this Schedule at any time;
- (2) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraphs 1(2) of this Schedule at any time from

Football or Rugby pitches from **01 September to 31st May** inclusive

Cricket pitches from **01 April to 30th September** inclusive

unless in the case of either of the restrictions described under paragraphs 2(1) and (2)[2] respectively of this Schedule —

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.

3. Exemptions

The offence does not apply to a person who

- (a) is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her 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 that person relies for assistance.

SCHEDULE 3

Dogs on leads

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is used as a memorial, burial ground, cemetery or garden of remembrance together with any forecourt, terrace, yard or walkway providing access, and together with adjoining verges, landscaped areas and gardens.
- (2) Any land within the Metropolitan Borough of Sefton which is a designated carriageway (A or B classified roads) together with the adjoining footpaths and verges of such carriageways.
- (3) Any Land with the Metropolitan Borough of Sefton which is a designated Picnic Area or Family Area

2. The Requirements

- (1) A person in charge of a dog shall at all times keep the dog on a lead of not more than 2.0 metres in length unless:
 - (a) that person 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 consented (generally or specifically) to his/her failing to do so.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her 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 that person relies for assistance.

4. Definition of a lead

For the purposes of this Schedule the definition of a lead is

Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 4

Dogs on leads by direction

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) A person in charge of a dog shall comply with a direction given to him by an authorised officer or agent of the Council or by a police officer to put and keep the dog on a lead of not more than 2.0 metres in length unless —
 - (a) that person 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 consented (generally or specifically) to his/her failing to do so.
- (2) For the purposes of this Schedule an authorised person may only give a direction under this Schedule to put and keep a dog on a lead if such restraint is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public on any land to which this Schedule applies and the behaviour would have a detrimental effect on the quality of life of the public.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her 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 that person relies for assistance.

5. Definition of a lead

For the purposes of this Schedule the definition of a lead is

Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 5

Number of dogs walked by an individual

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) A person in charge of a dog on land to which this order applies must restrict the number of dogs that can be walked by a single individual to six dogs unless
 - (a) they have 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.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or

- (c) has a disability which affects his/her 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 that person relies for assistance.

SCHEDULE 6

Locations to which schedule 2 and 3 apply

1. List of Locations

Location	Post code	Marked sports pitches (within defined dates) - Dog exclusion	Bowling Greens (playing surface only) - Dog exclusion	enclosed children's playgrounds, fenced sports pitches including multi use game sports facilities (MUGA's) - Dog Exclusion	designated Picnic or family area - Dog on Lead
Abbeyfield Park	L30 1PF			Playground	
Ainsdale Village Park	PR8 3BQ			Playground	south/west end of site and contains fenced children's playground.
Ballswood	L31 3EB		*		
Barkfield Lane	L37 3JW			Playground	
Bedford Park	PR8 4HU	Football		Playground	Community garden bounded by footpaths and fenced playground. (towards longford Road)
Bootle Stadium	L20 9PQ	Football, Baseball			
Botanic Gardens	PR9 7NB		*	Playground	aviary, cafe/museum exterior, fernery and formal flowers

					beds south of water feature/ up to the two bridges
Bowersdale Park	L21 3TX			Playground, MUGA	family area - is the area adjacent to cafe and children playground.
Brook Vale Playing Fields	L22 3YB	Football			
Buckley Hill	L29 1YB	Football			
Canning Road	PR9 7SP			Playground	
Carr Lane Rec	PR8 3EF	Football			
Compton Road	PR8 4HA			Playground	
Copy Farm	L30 7RN			Playground	family area - surrounds enclosed playground up to dog exercise area and woodland
Coronation Park, Crosby	L23 5RD		*	Playground, Ball Court (tennis), MUGA	
Crescent Bowls Moss Lane	L20 0EA		*		
Crosby Coastal Park	L22 5SR			Playground	
Crossens Recreation ground	PR9 8HT	Cricket	*	Playground, MUGA	
Deansgate Lane	L37 7EP	Football		MUGA	
Derby Park, Bootle	L20 9AA		*	MUGA, Playground	
Devonshire Rd Park	PR9 7BZ	Football		Playground	
Dodds Park	L31 9AB			MUGA	

Duke St Park, Formby	L37 4AN	Football	*	Playground, Ball courts (tennis) MUGA	Pavillion and picnic area adjacent to childrens playground and tennis courts. Bounded by footpath from Dukes Street to Phillips Lane.
Fernbank Drive	L30 7RH			Playground	
Ferryside Lane Rec	PR9 9YL	Football			
Fleetwood Road	PR9 7QN			Playground	
Glenn Park	L31 6DA			Playground, MUGA	
Hall Lane Playing Field	L31 3DY	Football & Cricket			
Hapsford Road Park	L21 6NP			Playground	
Harrow Drive, Aintree Village	L10 8LD	Football	*	Playground, MUGA, Ball Court (Tennis)	
Hatton Hill Park, Litherland	L21 9JN		*	Playground MUGA	Picnic and family "Rose garden" area bounded by park pavilion and bowling greens.
Hesketh Park	PR9 9LB			Playground	lakeside path and the bands of lawn between the cafe/childrens playground and the lake - inner part of the site.
Hightown Childrens Park	L38 9EX			Playground	Whole site is family area apart from

					fenced playground
Kenyons Lane	L31 9PU			Playground	
Killen Green	L30 0PF			Playground	Family picnic area fenced (former) bowling green.
Kings Gardens, Southport	PR8 1PQ		*	Playground	2 family areas - "sunken " Community Garden towards South of site and the area surrounding play builder next to fenced playground
King George V playing fields , Maghull Town hall	L31 7BB		**	Playground, Ball Court (Tennis)	
Kirkstone Park	L21 7NT			Playground	
Litherland Sports Park	L21 7QZ	Football & Rugby		MUGA, Athletics	
Lathom Gardens Park	L31 9PF			Playground	
Lonsdale Road	L21 0DS			Playground	
Marian Gardens	L30 3SW			Playground	Picnic / family "Rose Garden" area defined within a triangle of footpaths and contains the childrens playground.

Menai Road Park	L20 6PG			Playground	
Meols Park Rec	PR8 5HL	Football		Playground	
Mersey Avenue Park	L31 9PJ			Playground	
Moorhey Play area	L31 5NH			Playground	
Moss Park	L31 9PA			Playground	
Moorside Park, Crosby	L23 2RT		*	Playground, MUGA	Picnic / family " rose garden" area with lawns and seating. contained within one corner of park (Moorside Road)
Netherton Activity Centre	L30 3TL	Football		MUGA (football)	
North Park	L20 5BY			Playground, Skate park	north east corner of park and is defined by low kick-rail fence.
Oakhill Park	L31 2LX		*		
Old Hall Park	L31 3DY			Playground	
Ollery Green/Deerbarn	L30 8RU			Playground	
Orrell Mount Park	L20 6DX	Football		Playground, MUGA	north end of park and encompasses fenced childrens playground and grassed area
Ovington Drive	PR8 6JW			Playground	
Pimbley Playing Field	L31 5NB	Football			

Pinfold Lane	PR8 3QH			Playground	
Poets Park	L20 4SE			Playgrounds, MUGA	
Portland St Playing Fields	PR8 6LX	Football			
Potters Barn Park	L22 1RO			Skate Park/MUGA	
Preston New Road	PR9 8PR	Football			
Rainbow Drive Park	L31 1BW			Playground	
Ridgeway Park	L31 0BZ			Playground, Ball Court (basketball)	
Round Meade	L31 8DY			Playground	
Runnells Lane	L23 1UH			MUGA	
Russell Road Rec	PR9 7RF	football			
Sandbrook Road	PR8 3RQ	Football	*	Playground, MUGA	
Sandy Lane Park	L31 2LA	Football		Playground, Ball Courts (Tennis, basketball)	
Smithy Green	L37 3JZ	Football		Playground	
South Park	L20 7DA			Playground, MUGA	Family / picnic area around park hub pavillion with picnic benches.
Tarleton Road Rec	PR9 7QW	Football			
Victoria Park, Southport	PR8 2BZ		*	Playground	
Victoria Park, Crosby	L22 2AP			Playground, Ball Court(tennis) MUGA	Central zone of park - adjacent to fenced playgrounds and ball courts.
Waterloo Rd recreational ground	PR8 4QW	Rugby			

<u>Cemeteries & Crematoria</u>					
Bootle, Linacre lane	L20 6 ES				
Duke Street Southport	PR8 5EL				
Liverpool Road, Birkdale	PR8 3DB				
Thornton, Lydiate Lane	L23 1TP				

2 Location of Picnic / Family Areas (highlighted orange)



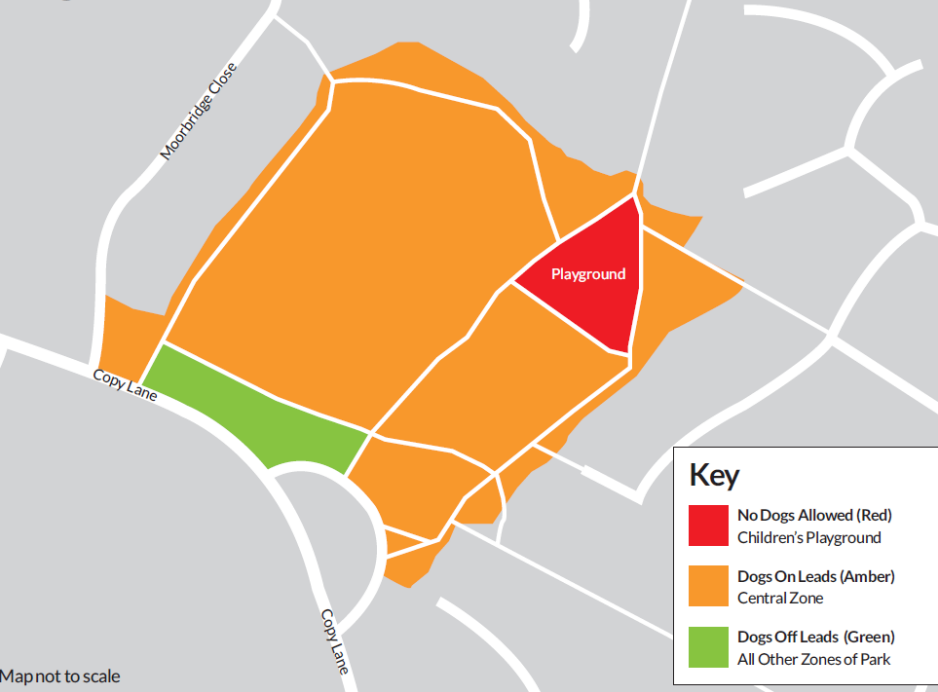
Botanic Gardens Churchtown Dog Control Zones



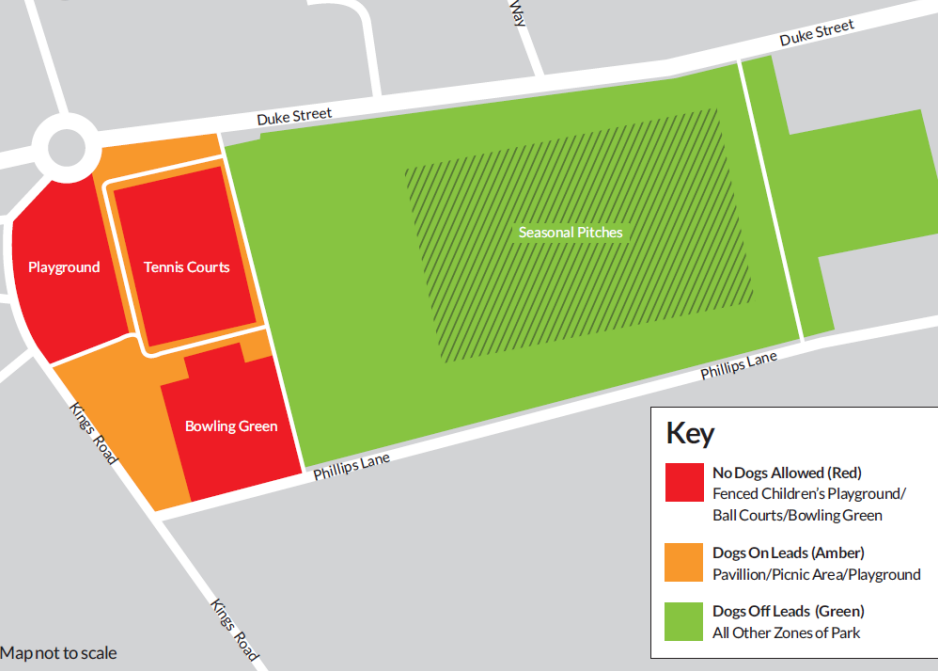
Bowersdale Park Seaforth Dog Control Zones



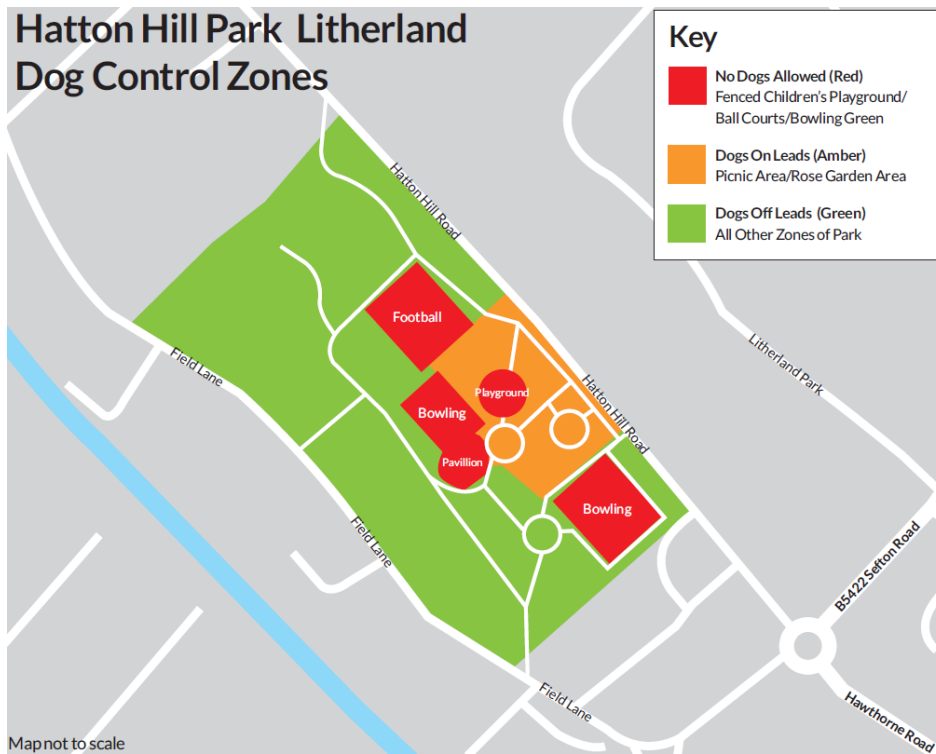
Copy Lane Park Netherton Dog Control Zones



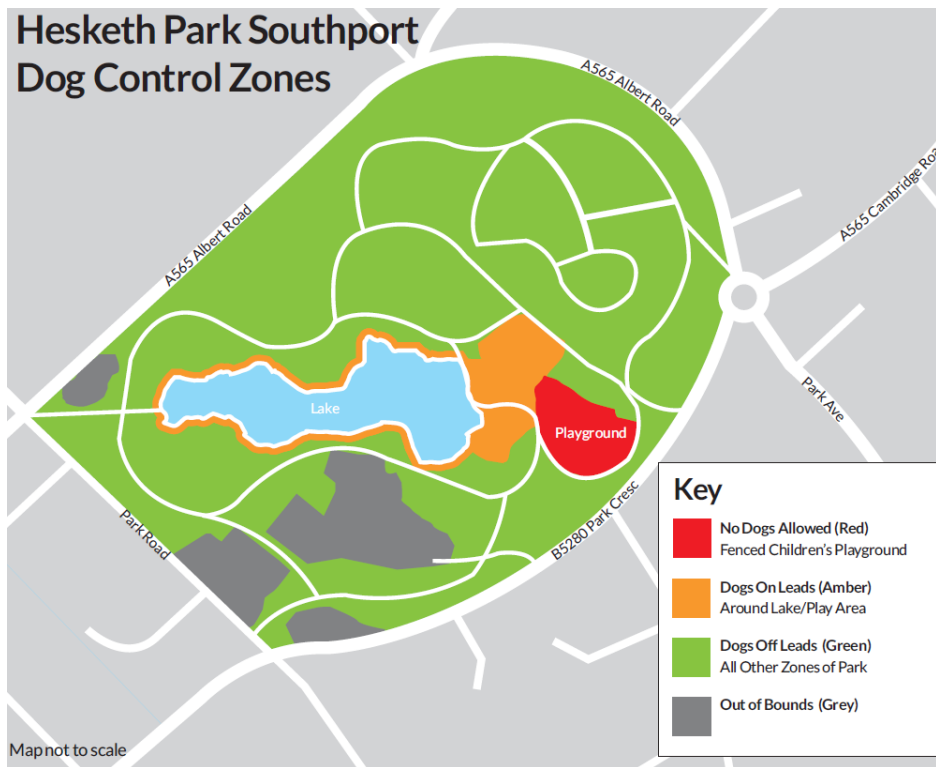
Duke Street Park Formby Dog Control Zones



Hatton Hill Park Litherland Dog Control Zones



Hesketh Park Southport Dog Control Zones

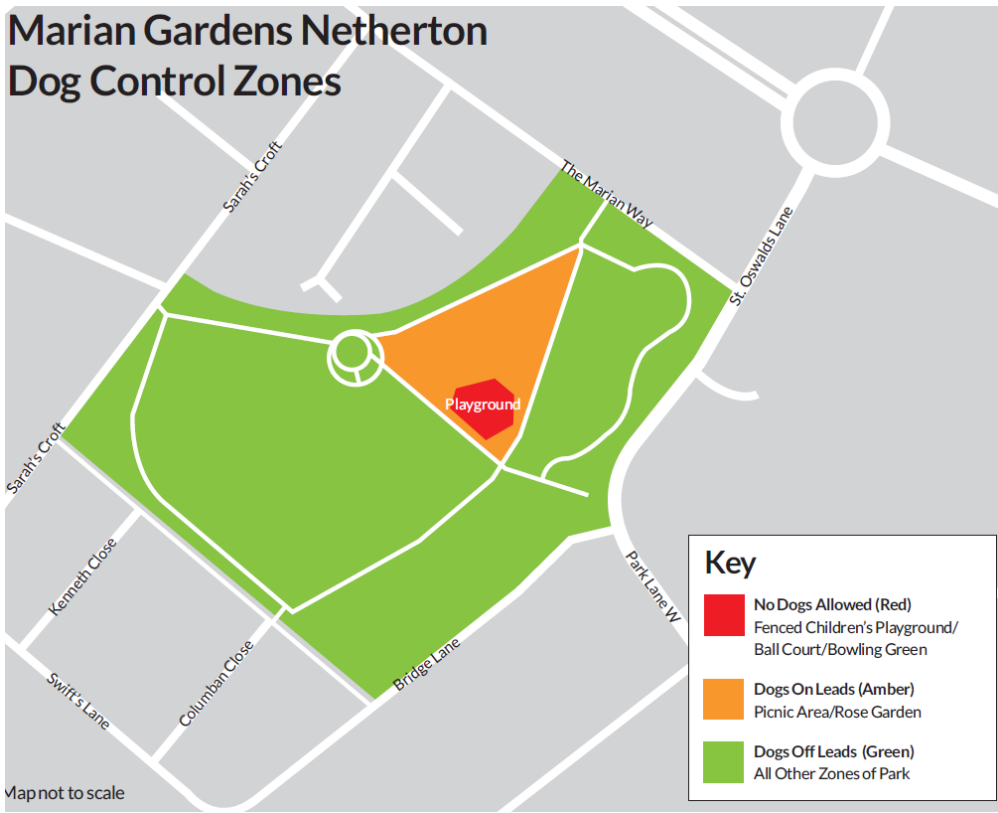
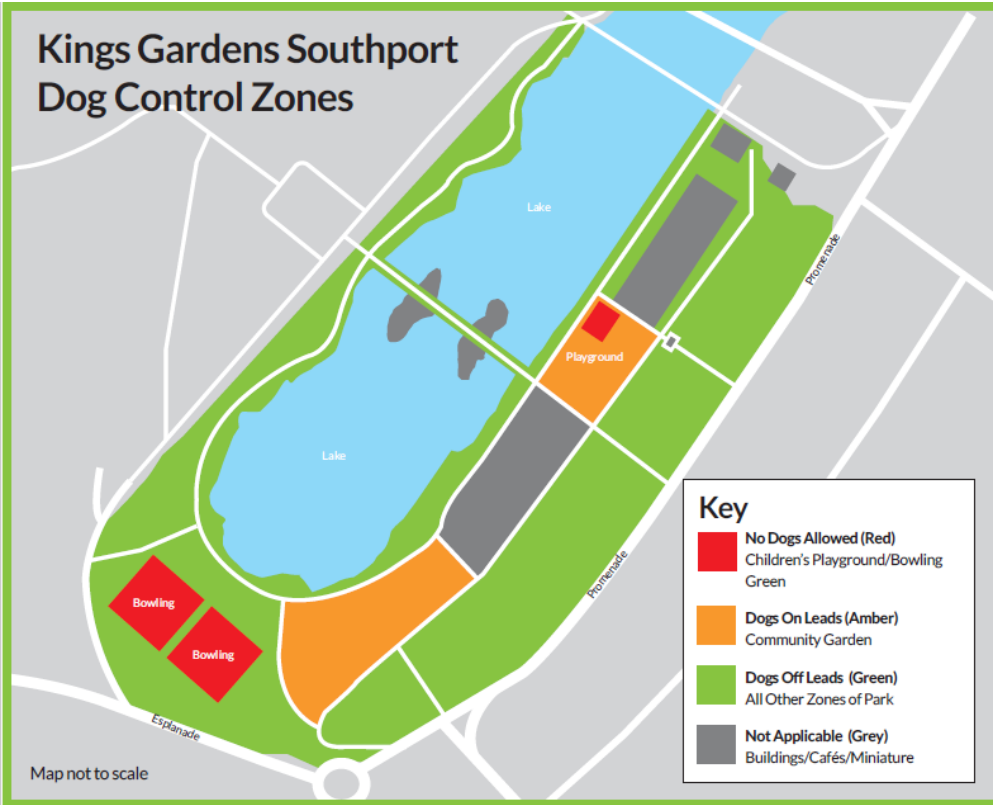


Hightown Childrens Park Dog Control Zones

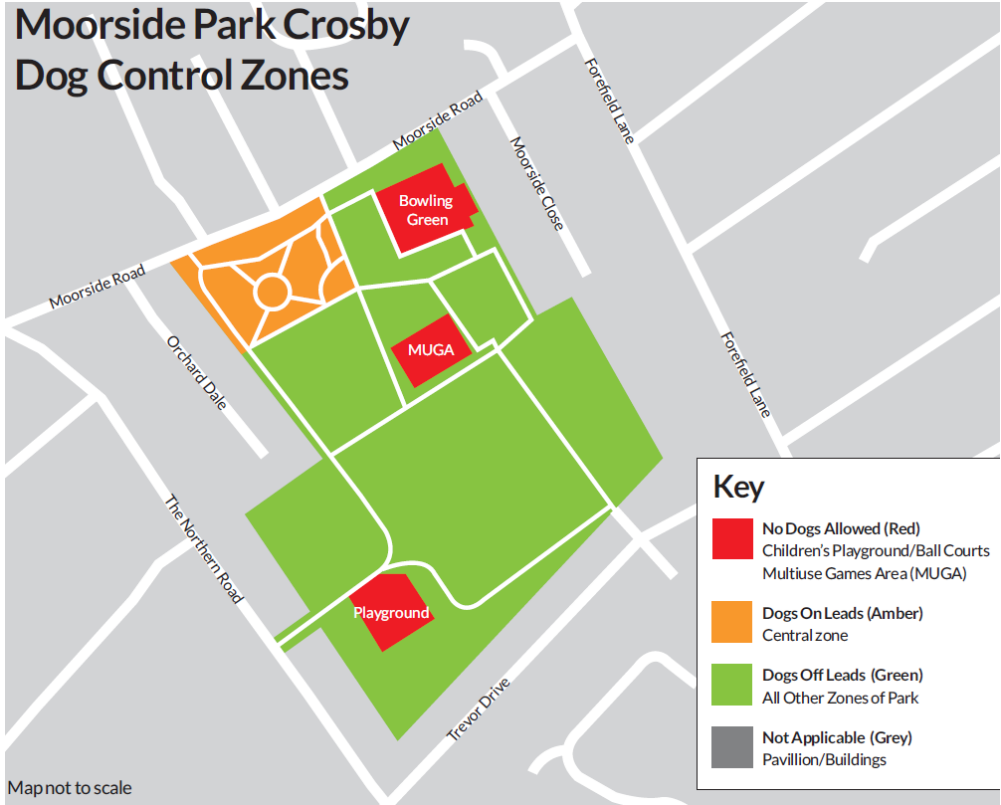


Killen Green Park Netherton Dog Control Zones

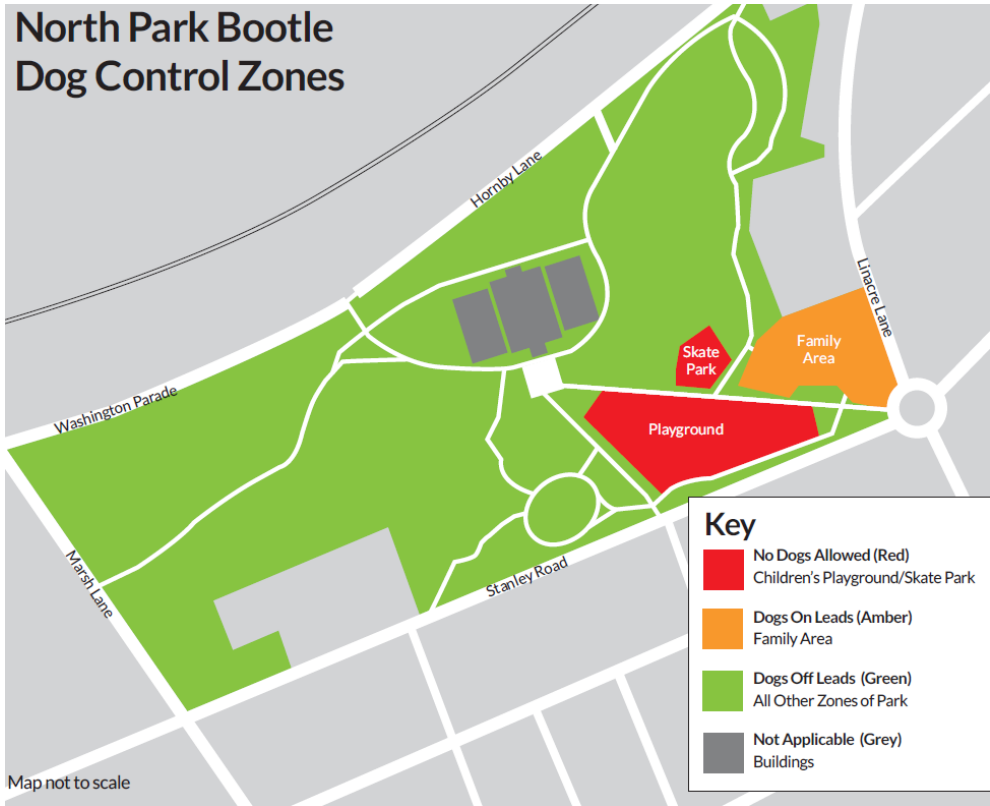




Moorside Park Crosby Dog Control Zones



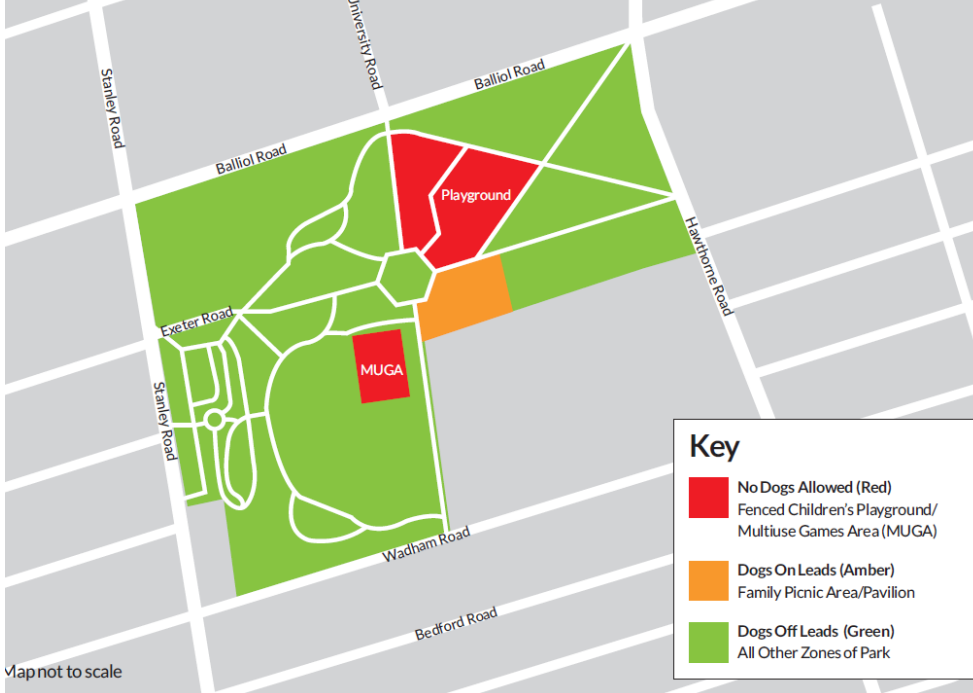
North Park Bootle Dog Control Zones



Orrell Mount Park Litherland Dog Control Zones



South Park & Kings Gardens Dog Control Zones



Victoria Park Waterloo Dog Control Zones



Map not to scale