



**Chesterfield Borough Council  
Anti-Social Behaviour, Crime and Policing Act 2014  
Part 4 Section 59**

**PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2017**

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities (namely dog fouling or inadequately controlled dogs) carried on in a public place within its area have had a detrimental effect on the quality of life of those in the locality, or

(b) It is likely that such activities will be carried on in a public place within that area and that they will have such an effect:

**AND THAT** the effect or likely effect of the activities

(a) Is, or is likely to be, of a persistent or continuing nature

(b) Is, or is likely to be, such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the notice

**AND** pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 (“the Act”) the Council:

(a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and

(b) having carried out the necessary consultation, notification and publicity

**HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Act.**

**This order shall come into effect on \_\_\_\_\_ 2017 and shall have effect for 3 years.**



## 1.0 Definitions

**The Authority** means Chesterfield Borough Council.

**Authorised Officer of the Authority** means an employee of Chesterfield Borough Council who is authorised in writing by the Authority for the purposes of this Public Spaces Protection Order.

**Offence** means an offence made by this Order.

**Order** means this Public Spaces Protection Order (Dog Control) 2017.

**Person in charge means** the person who has the dog in his/her possession, care or company at the time the offence is committed, or, the owner or person who habitually has the dog in his/her possession.

**Prescribed charity** means any of the following: -

- i. Registered charity number 700454 (Dogs for the Disabled);
- ii. Registered charity number 1088281 (Support Dogs);
- iii. Registered charity number 803680 (Canine Partners for Independence).

**Relevant land** means the land described by the maps contained in the Schedules attached to this Order and being within the administrative area of Chesterfield Borough Council.

**Removal of faeces** means removing the faeces from that land by means of a suitable receptacle and disposing in a designated dog bin, a street litter bin or a domestic black wheelie bin.

**Restricted area** means the land designated in the Schedules attached to this Order and being within the administrative area of Chesterfield Borough Council.

## 2.0 Offences

### 1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which any member of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (as detailed in **Schedule 1**) and a 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

- (a) he/she 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.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.



**2. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, on land (as detailed in **Schedule 2**) he/she does not keep the dog(s) on a lead unless

- (a) he/she 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.

**3. Leads by direction**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority (as detailed in **Schedule 1**) he/she does not comply with a direction given to him/her by an Authorised Officer of the Authority to put and keep the dog on a lead unless

- (a) he/she 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.

An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

**4. Exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, he/she takes the dog into, or permits the dog to enter or to remain on, any land detailed in **Schedule 3** below unless

- (a) he/she has reasonable excuse; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically).

**5. Exemptions**

This Order shall 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 1948;
- (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 he/she relies on for assistance;
- (c) has received written permission/exemption from Chesterfield Borough Council.

## **3.0 Penalties for Non-compliance**

A person who is guilty of an offence under this Order may be issued with a Fixed Penalty Notice not exceeding £100 or may be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **4.0 Appeals**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.



An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An interested person may challenge the validity of the order on two grounds:

- (a) that the local authority 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 one of the requirements of the legislation has not been complied with.

When an application is made the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) the local authority 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), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).



## **Schedule One**

### **Land within the administrative area of the Authority**

This Order applies to all land described below:

1. Any land which is open to the air and to which any member of the public has access. This includes:
  - (a) Parks and open spaces;
  - (b) Footpaths over which the public have a right of way;
  - (c) Roads;
  - (d) Cycle tracks;
  - (e) Bridleways or any other area which you could reasonably expect to have access;
  - (f) Flower beds, planted or grassed areas maintained by Chesterfield Borough Council which adjoin footpaths, roads and cycle tracks;
  - (g) Communal areas in and around a block of flats/apartments;
  - (h) Any other private land to which the public have a right of way and the written consent of the landowner has been given (such as retail and supermarket car parks).

This Order does not extend to gardens, driveways or yards that form part of private dwellings.

2. Publicly accessible land, forming part of the Council's Housing stock which, for the avoidance of doubt, includes:
  - (a) grassed areas;
  - (b) flower beds,
  - (c) planted areas,
  - (d) verges,
  - (e) the areas around the base of trees,
  - (f) access roads,
  - (g) access paths,
  - (h) car park areas,
  - (i) garage areas,
  - (j) community garden areas (not including shared gardens at rear of bungalows);

This Order does not include enclosed courtyards, washing/drying areas, bin storage areas; although these areas of land are open to air, they are not publicly accessible.



## Schedule Two

### Keeping dogs on leads

This Order applies to all land described below:

Map	Location
1	Boythorpe Cemetery, Hunloke Avenue, Chesterfield, Derbyshire, S41 2PD (all year round)
2	Brimington Cemetery, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
3	Brearley Wetlands Local Nature Reserve, off Burnbridge Road, Old Whittington, Chesterfield, Derbyshire, S41 9LP (March to July inclusive)
4	Chesterfield Crematorium, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
5	Eastwood Park (lodge, wildlife garden, tennis courts), Hasland Road, Chesterfield, Derbyshire, S41 0AY (all year round)
6	Holmebrook Valley Park (path around the lake), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (all year round)
7	Holmebrook Valley Park (area around the café/pavilion building and car park), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (all year round)
8	McGregors Pond (path around the lake), McGregors Way, Chesterfield, Derbyshire, S40 2WB (all year round)
9	Norbriggs Flash Nature Reserve, Bent Lane, Staveley, Chesterfield, Derbyshire, S43 3UG (March to July inclusive)
10	Poolsbrook Country Park (area around the café/pavilion building and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)
11	Poolsbrook Country Park (path around the lake), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)



<b>Map</b>	<b>Location</b>
<b>12</b>	Poolsbrook Country Park (path around the lakes and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)
<b>13</b>	Ringwood Park (lake), Inkersall Green Road, Chesterfield, Derbyshire, S40 2WB (all year round)
<b>14</b>	Spital Cemetery, Hady Hill, Chesterfield, Derbyshire, S41 0DZ (all year round)
<b>15</b>	Staveley Cemetery, Inkersall Road, Chesterfield, Derbyshire, S43 3JL (all year round)



### Schedule Three

**Dogs are excluded**

This Order applies to all land described below:

<b>Map</b>	<b>Location</b>
<b>16</b>	Badger Recreation Ground, Brockwell Lane, Chesterfield, Derbyshire (children's play area, all year)
<b>17</b>	Brearley Park, High Street, Old Whittington, Chesterfield, Derbyshire, S41 9LN (children's play area, all year) (cricket area between the months of April to September inclusive)
<b>18</b>	Eastwood Park, Hasland Road, Chesterfield, Derbyshire, S41 0AY (children's play area, all year) (football pitches between the months of September to May inclusive)
<b>19</b>	Eastwood Recreation Ground (Thistle Park), Station Road, Brimington, Chesterfield, Derbyshire (children's play area, all year) (football pitch between the months of September to May inclusive)
<b>20</b>	Hady Playing Field, Hady Lane, Chesterfield, Derbyshire (football pitch between the months of September to May inclusive)
<b>21</b>	Highfield Park, Highfield Lane, Chesterfield, Derbyshire (children's play area, all year) (football pitches between the months of September to May inclusive)
<b>22</b>	Hilltop Recreation Ground, Hilltop Road, Old Whittington, Chesterfield, Derbyshire (children's play area, all year)
<b>23</b>	Holmebrook Valley Park, Water Meadow Lane, Newbold, Chesterfield, S41 8XP (children's play area, all year) (football pitches between the months of September to May inclusive)
<b>24</b>	Inkerman Recreation (Wasps Nest), Ashgate Road, Chesterfield, Derbyshire (children's play area, all year)
<b>25</b>	Inkersall Green Recreation Ground, Inkersall Green Road, Chesterfield, Derbyshire (children's play area, all year) (football pitches between the months of September to May inclusive)





<b>Map</b>	<b>Location</b>
<b>26</b>	King George's Field, Inkersall Road, Chesterfield, Derbyshire (children's play area, all year)
<b>27</b>	Kirkstone Road Recreation Ground, Kirkstone Road, Chesterfield, Derbyshire (children's play area, all year)
<b>28</b>	Langer Field, Langer Lane, Chesterfield, Derbyshire (children's play area, all year) (football pitch between the months of September to May inclusive)
<b>29</b>	Loundsley Green Playing Field, Pennine Way, Chesterfield, Derbyshire (children's play areas, all year)
<b>30</b>	Brimington Common, Recreation Road, Chesterfield, Derbyshire (children's play area, all year)
<b>31</b>	Markham Way, (near B&Q) Chesterfield, Derbyshire (skateboard park, all year)
<b>32</b>	Pearson Recreation, Old Hall Road, Chesterfield, Derbyshire (children's play area, all year)
<b>33</b>	Poolsbrook Country Park, Pavilion Drive, Staveley, Chesterfield, S43 3LH (children's play area, all year)
<b>34</b>	Poolsbrook Playing Field, Cottage Close, Poolsbrook, Chesterfield, Derbyshire (children's play areas, all year) (football pitch between the months of September to May inclusive)
<b>35</b>	Poolsbrook Road Recreation Ground, Poolsbrook Road, Duckmanton, Chesterfield, Derbyshire (children's play area, all year)
<b>36</b>	Queen's Park, Park Road, Chesterfield, Derbyshire, S40 2ND (children's play areas, all year) (cricket pitch, all year)
<b>37</b>	Spital Recreation Ground, Spital Lane, Chesterfield, Derbyshire (children's play area, all year)
<b>38</b>	Somersall Park, Somersall Lane, Chesterfield, Derbyshire (children's play area, all year)



<b>Map</b>	<b>Location</b>
<b>39</b>	Stand Road Park, Stand Road, Chesterfield, Derbyshire (children's play area, all year) (skate park, all year) (football pitches between the months of September to May inclusive)
<b>40</b>	Station Road Recreation Ground, Station Road, Barrow Hill, Chesterfield, Derbyshire (children's play area, all year)
<b>41</b>	Stone Lane 'kick about', Stone Lane, New Whittington, Chesterfield, Derbyshire (children's play area, all year)
<b>42</b>	Tapton Park, Brimington Road, Chesterfield, Derbyshire (children's play area, all year)
<b>43</b>	Wain Avenue, Chesterfield, Derbyshire (games court, all year)
<b>44</b>	Valley Road Recreation, Valley Road, Chesterfield, Derbyshire (children's play area, all year)