

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**OLDHAM BOROUGH COUNCIL**

**PEXWOOD AND ROOKWOOD, CHADDERTON**

**PUBLIC SPACES PROTECTION ORDER 2015**

Oldham 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. This Order applies to the public places described in the Schedule to this Order and shown hatched in red on the plans annexed to this Order (“the Restricted Areas”).
2. Except as provided in Articles 5 and 6 to this Order, no person shall use the public right of way over the Restricted Areas at any time.
3. Gates may be installed, operated and maintained at each end of the Restricted Areas by the Council.
4. Any person using the gates referred to in Article 3 to gain access to or from the Restricted Areas shall ensure that the gates are closed and locked immediately after they are used.
5. The restriction in Article 2 to this Order shall not apply to any person who occupies premises adjoining or adjacent to the Restricted Areas.
6. The restrictions in Articles 2 and 4 to this Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas, electricity, water or communications provider requiring access to their apparatus situated in the Restricted Areas.
7. No waste or household item shall be deposited, stored or discarded in the Restricted Areas. This restriction shall not apply to any wheeled bin or other receptacle for the storage of waste where the Council has given written consent for the wheeled bin or receptacle to be stored in the Restricted Areas.
8. A person in charge of a dog shall be guilty of an offence if, at any time in the Restricted Areas he does not keep the dog on a lead.
9. If a dog defecates at any time in the Restricted Areas and a person who is in charge of the dog at the time fails to remove the faeces from the Restricted Areas forthwith, that person shall be guilty of an offence.

10. For the purposes of Articles 8 and 9:

- a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog unless at that time some other person is in charge of the dog;
- b) Placing the faeces in a receptacle in the Restricted Areas which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the Restricted Areas;
- 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

11. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2, 4, 7, 8 or 9 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

12. This Order shall come into force on ..... for a period of three years.

**SCHEDULE**

**Restricted Areas**

<b><u>Location</u></b>	<b><u>Description</u></b>
The footpath that runs between 5 and 6 Pexwood, Chadderton (Plan 1)	The footpath runs in a southerly direction for a distance of 26.2 metres and is approximately 1.84 metres wide at its widest point.
The footpath that runs between 7 and 8 Rookwood Chadderton (which is definitive footpath 25A) (Plan 2)	The footpath runs in a north westerly direction for 26.91 metres and is approximately 1.78 metres wide at its widest point.

**THE COMMON SEAL** of )  
**OLDHAM BOROUGH** )  
**COUNCIL** was hereunto )  
affixed on )  
in the presence of: -