

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

**OLDHAM COUNCIL**

**BANK STREET AND LEES ROAD, OLDHAM**

**PUBLIC SPACES PROTECTION ORDER 2019**

Oldham 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 plan 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. No wall or other structure, either temporary or permanent, shall be built, erected or installed in the Restricted Areas
9. 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.
10. 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.

11. For the purposes of Articles 9 and 10:

- a) A person who habitually has a dog in his/her 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 that 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

12. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2, 4, 7, 8, 9 or 10 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

13. This Order shall come into force on 1<sup>st</sup> May 2019 for a period of three years.

**SCHEDULE**

**Restricted Areas**

The alleyway that runs to the rear of 1-11 Bank Street, Oldham and 505 -499 Lees Road, Oldham in a north north westerly direction for a distance of 33 metres and which is up to 4 metres wide and the alleyway that runs from the side of 495 and 497 Lees Road, Oldham in a north north easterly direction for a distance of 14.5 metres and which is up to 3 metres wide.

THE COMMON SEAL of )  
OLDHAM BOROUGH )  
COUNCIL was hereunto )  
affixed on 24<sup>th</sup> April 2019 )  
in the presence of: -

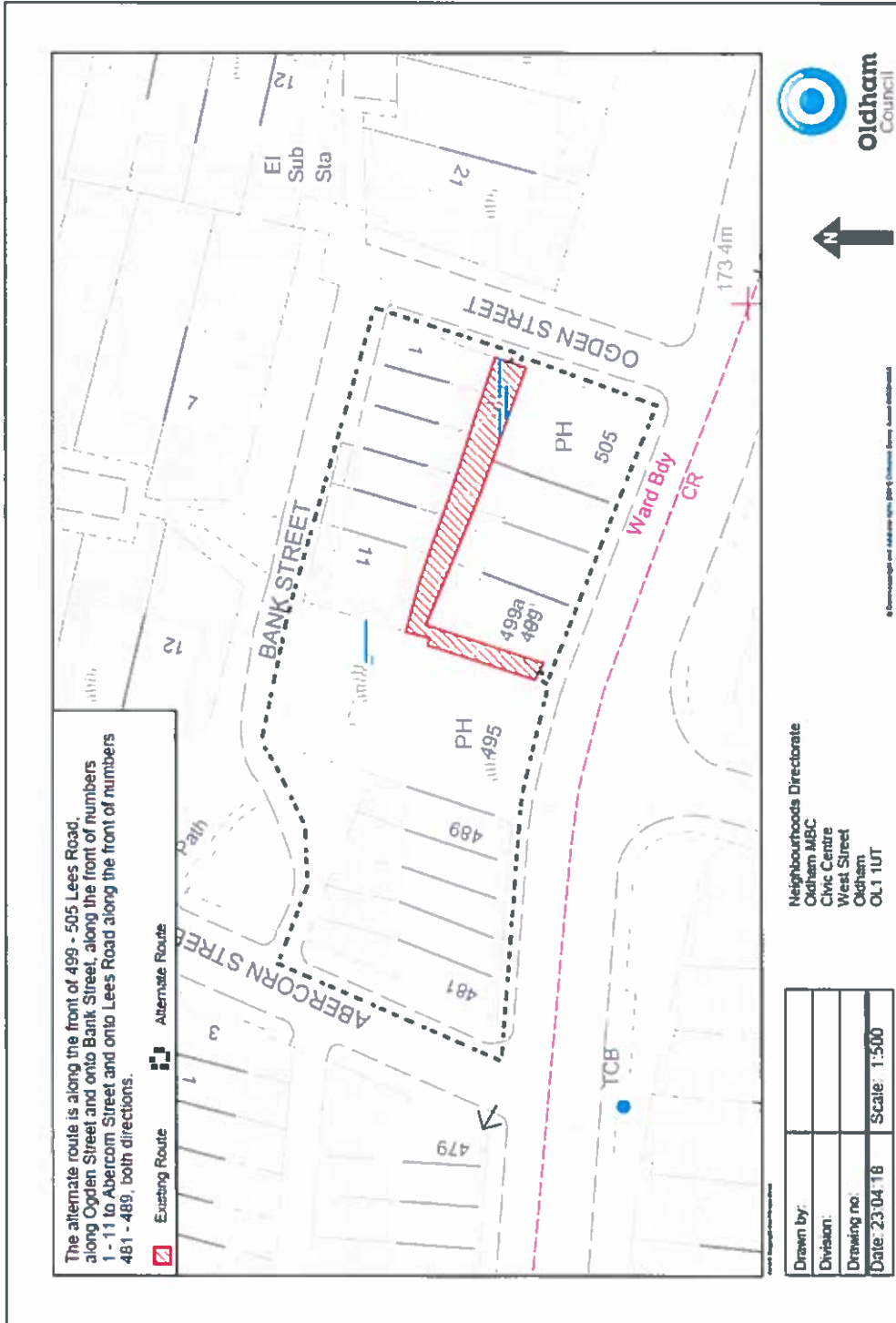
KE

*Alan Evans*  
ALAN EVANS  
GROUP SOLICITOR



Number in Seat Book  
4631/19

# BANK STREET AND LEES ROAD OLDHAM PUBLIC SPACES PROTECTION ORDER PLAN



Alan Evans  
 ALAN EVANS  
 GROUP SPLICITOR

Number in Seal Book  
 463119A



© Crown Copyright and published by the Ordnance Survey. All rights reserved. Ordnance Survey Licence No. 100019000