

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

**OLDHAM COUNCIL**

**BURNABY STREET/NAPIER STREET WEST/FREDERICK STREET,  
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 July 2019 for a period of three years.

### SCHEDULE

#### **Restricted Areas**

The alleyway that runs to the rear of 2-20 Burnaby Street and 69-85 Napier Street West, Oldham in a south westerly direction for 44 metres and which is 3 metres wide and the alleyway that runs to the rear of 33-43 Frederick Street, Oldham in a south easterly direction for 32 metres and which is 3 metres wide.

THE COMMON SEAL of  
OLDHAM BOROUGH  
COUNCIL was hereunto  
affixed on 19 June 2019  
in the presence of: -

AE

ALEX BOUGATEF  
GROUP SOLICITOR

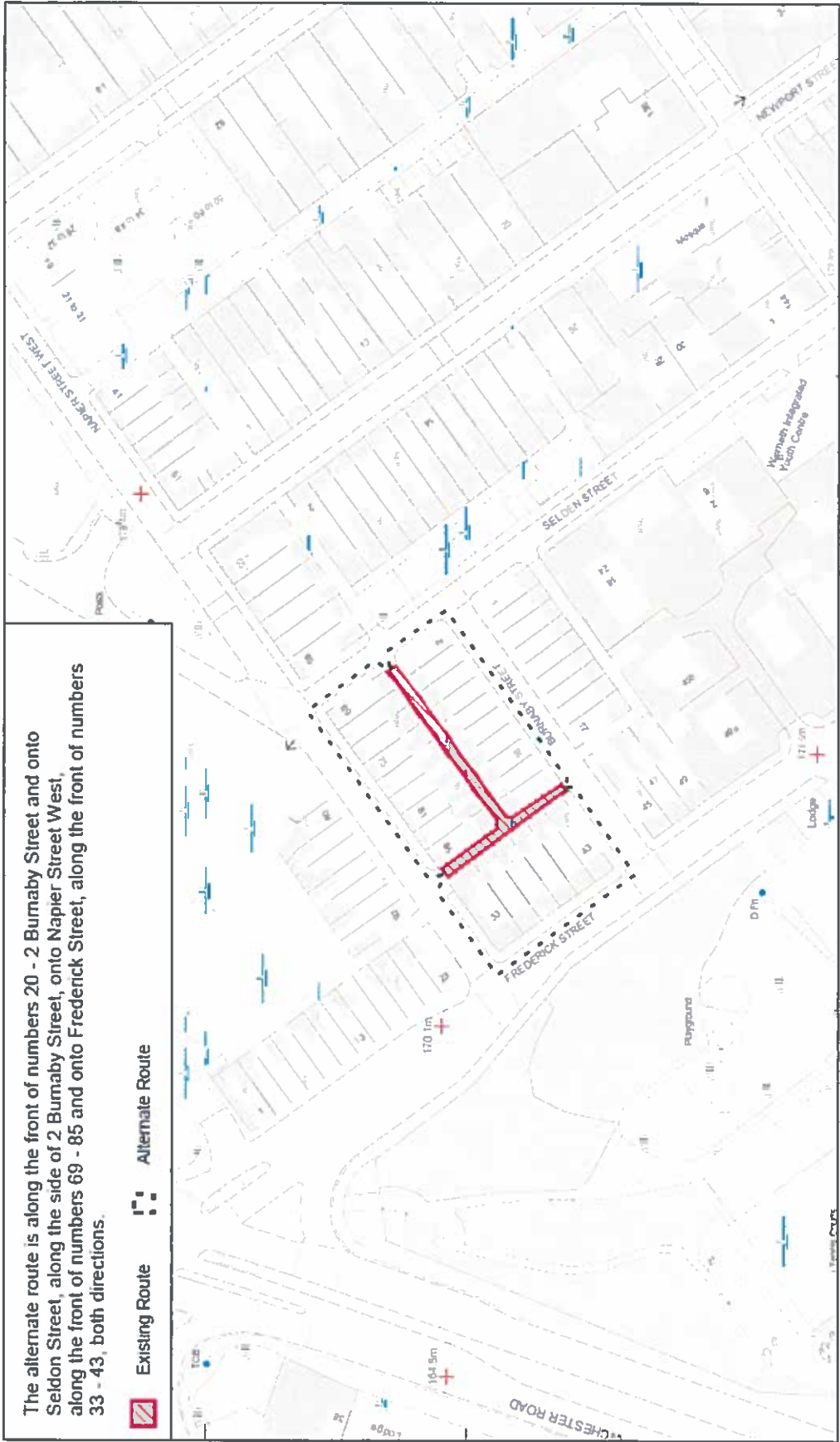


Number in Seal Book

4817/19

BURNABY STREET/NAPIER STREET WEST/FREDERICK STREET, OLDHAM PUBLIC SPACES PROTECTION ORDER PLAN

Number in Seal Book  
44817/19 A



ALEX BOUGATEF  
GROUP SOLICITOR

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Oldham Council  
Civic Centre  
West Street  
Oldham  
OL1 1UT

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Division:	
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