

DATED 20th September

2022

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
THE BOROUGH COUNCIL OF PENDLE
PUBLIC SPACES PROTECTION ORDER NO 1 2019
EXTENSION AND VARIATION (DOG CONTROL) ORDER NO. 1 2022**

H.P. Culshaw
Head of Legal Services
Town Hall Nelson Lancashire

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
THE BOROUGH COUNCIL OF PENDLE
PUBLIC SPACES PROTECTION ORDER NO.1 2019
EXTENSION AND VARIATION (DOG CONTROL) ORDER NO. 1 2022

The Borough Council of Pendle (in this order called “the Authority”) 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. The Borough Council of Pendle Public Spaces Protection Order No. 1 2019 (“the Order”) came into force on 20th September 2019 shall be extended and varied for a further period of three years from 20th September 2022
2. On land to which article 5 applies, the maximum number of dogs which a person may take onto that land is one (unless otherwise stated) with the exception of those undertaking professional dog walking duties who should not use the land for this purpose whatsoever

Offences:

PART 1

3. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, the person shall be guilty of an offence unless:-

- (a) he 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 failing to do so.

4. Leads

A person in charge of a dog shall be guilty of an offence if, at any time, on any land detailed in Schedule 1 below, he does not keep the dog on a lead, unless:-

- (a) he 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 failing to do so.

5. Dogs - Specified Number

A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land detailed in Schedule 2 (unless otherwise stated) below more than the maximum number of dogs specified in article 2 of this Order, unless-

- (a) he 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 doing so.

6. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedules 3 and 4 below unless:-

- (a) he 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 doing so.

7. Exemptions

Nothing in this Order shall apply to a person who –

- (a) is registered as sight-impaired or severely sight impaired in a register compiled under section 77 of the Care Act 2014, in respect of a dog trained by the Guide Dogs for the Blind Association (registered charity number 209617 and upon which he relies for assistance, or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has any disability which has a substantial and long term effect on their ability to carry out normal day to day activities, in respect of a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely on for assistance.
- (d) has any disability which has a substantial and long term effect on their ability to carry out normal day to day activities, in respect of a dog trained by its owner or other experienced dog trainer and upon which they rely on for assistance

For the purpose of this Order –

- A person who habitually has a dog in his 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.
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land
- 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;
- Registered charity shall include a member of Assistance Dogs UK or any other UK Registered Charity whose activities include the training of assistance dogs

PART 2

8. Smoking

It is an offence for any person, at any time, using, visiting or accompanying a child or young person who is using or visiting land detailed in Schedule 4 below to smoke tobacco, a tobacco related product, a smokeless tobacco product including electronic cigarettes

9. Fixed Penalty Notice

(a) Where an authorised officer has reason to believe that a person has committed an offence under this Order, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a penalty in accordance with the notice

(b) If an authorised officer proposes to give a person a notice under article 9(a) above, the officer may require the person to give him his name and address

(c) A person commits an offence if under article 9 (b) above:-

- he fails to give his name and address when required to do so or
- he gives a false or inaccurate name or address

(d) A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

10. An “authorised officer” is a Police Constable, Policy Community Support Officer or person authorised by the Council for the purpose of giving directions under this Order, and must be able to present their authority upon request.

The **COMMON SEAL** of the)
BOROUGH COUNCIL OF PENDLE)
was hereunto affixed this 20th)
day of September 2022)
in the presence of)



3175

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Howard P Culshaw
Head of Legal Services
The Borough Council of Pendle

Authorised Signatory

SCHEDULE 1

Article 4 of this Order applies to all the land described below and edged red on the maps referred to:

Map 1	Nelson Cemetery	Map 4	Earby (Wheatlands) Cemetery
Map 2	Barrowford Cemetery	Map 5	Salterforth Cemetery
Map 3	Colne Cemetery	Map 6	Ghyll Cemetery

SCHEDULE 2

Article 5 of this Order applies to all the land described below and edged red on the maps referred to

Map 1	Nelson Cemetery
Map 2	Barrowford Cemetery
Map 3	Colne Cemetery (two dogs)

SCHEDULE 3

Article 6 of this Order applies to all the land described below and edged red on the map referred to:

Map 7	Barrowford Park War Memorial
Map 58	Barnoldswick War Memorial
Map 59	Barnoldswick Memorial Gardens

SCHEDULE 4

Articles 6 and 8 of this Order apply to all the land described below and edged red on the maps referred to:

BARNOLDSWICK

- Map 8 Harrison Street Play Area
9 Bank Street Play Area
10 Clough Park Play Area
11 Clough Park MUGA
12 Avon Drive Play Area
13 Coates Avenue MUGA

EARBY

- Map 14 Northolme (North) Play Area
15 Northolme (South) Play Area
& Goal End
16 Rushton Avenue Play Area
17 Birley Playing Fields Play Area
18 Cemetery Road Play Area
19 Cemetery Road MUGA

LANESHAWBRIDGE

- Map 20 Emmott Lane Play Area

KELBROOK & SOUGH

- Map 21 Colne Road Play Area

BRIERFIELD

- Map 22 Chatburn Park Drive Play Area
23 Sackville Street Play Area
24 Sackville Street MUGA
25 Massey Street Play Area
26 Taylor Street MUGA

TRAWDEN

- Map 27 Lane House Lane Play Area

COLNE

- Map 28 Waterside Play Area
29 Waterside Play Area
30 Waterside MUGA

COLNE

- Map 31 Hawley Street Play Area
32 Daisy/Atkinson Street Play Area
33 West Street Play Area
34 Millenium Green Play Area
35 King George V Play Area -
removed
36 King George V MUGA - removed

NELSON

- Map 38 Vernon Street Junior Play Area
39 Vernon Street Senior Play Area
40 Bradshaw Street MUGA
41 Lomeshaye Road Play Area
42 Lomeshaye Road MUGA
43 Netherfield Road Play Area
44 Netherfield Road MUGA
45 Southfield Street MUGA

- 46 Hey Street Lodge Play Area &
Goal End
47 Regent Street MUGA
48 Fleet Street Play Area
49 Fleet Street MUGA
50 Clough Head Play Area
51 Clough Head MUGA
52 Marsden Hall Road MUGA
53 Cliffe Street Play Area

FOULRIDGE

- Map 54 Alma Avenue Play Area

HIGHAM

- Map 55 Higham Park - Removed

BARLEY

- Map 56 Barley Lane Play Area

SALTERFORTH

- Map 57 Salterforth Lane Play Area

NEWCHURCH-IN-PENDLE

Map 60 Play area Newchurch-in-Pendle

FENCE

Map 61 Play area Old Laund Street