

WESTMORLAND AND FURNESS COUNCIL

PUBLIC SPACES PROTECTION ORDER 2024 NO.002

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Westmorland and Furness Council ("the Council") in the exercise of its powers under section 59 of the Anti-social behaviour, Crime and Policing Act 2014 ("the Act"), hereby makes the following Order:-

15th November 2024

THIS ORDER is made on the ^ and shall effect for a period of 3 years thereafter, unless discharged or extended under the Council's statutory powers.

1. General Provisions

1.1 The Council is satisfied on reasonable grounds that the activities identified in this Order:

1.1.1 have had a detrimental effect, or likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried on in the Restricted Areas and that they will have such an effect; and

that the effect, or likely effect, of those activities:

1.1.2 is, or is likely to be, of a persistent or continuing nature;

1.1.3 is, or is likely to be, such as to make those activities unreasonable; and

1.1.4 justifies the restriction and prohibitions imposed by this Order.

1.2 The Council is satisfied that the prohibitions and restrictions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

THIS ORDER applies to the public areas described in the Schedules to this Order ("the Restricted Areas").

2. Activity

2.1 DOGS

2.1.1 Any person in charge of a dog within the Restricted Areas specified below shall be in breach of this Order if they:

- 2.1.1.1 allow the dog to foul in a public place and then fails to remove the waste immediately and dispose of it in an appropriate receptacle within the area identified in Schedule 1;
- 2.1.1.2 fail to keep a dog on a lead at all times which has been designated as a dog on lead area, identified in Schedule 2;
- 2.1.1.3 fail to put a dog on a lead upon direction of an Authorised Officer in any of the Restricted Areas;
- 2.1.1.4 take a dog onto, or permit a dog to enter and remain on any land that has been designated as a dog exclusion area as identified in Schedule 3; and/or
- 2.1.1.5 individually walks more than 6 dogs at any one time, within the area identified in Schedule 1.

Exemption

- 2.1.2 The provisions of this Order relating to the control of dogs shall not apply to any person who is either:
 - 2.1.2.1 in charge of a working dog whilst it is actually working, this includes dogs that are being used for work in connection with emergency search and rescue, herding or shepherding animals, law enforcement and the work of the armed forces;
 - 2.1.2.2 is registered blind in accordance with section 29 of the National Assistance Act 1948;
 - 2.1.2.3 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;
 - 2.1.2.4 has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance; or
 - 2.1.2.5 has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of a dog in connection with their disability.

3. Penalty

- 3.1 In accordance with section 67 of the Act, a person found to be in breach of this Order, without reasonable excuse, is guilty of an offence and is liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

3.2 An Authorised Officer may issue a Fixed Penalty Notice to anyone they have reason to believe has committed an offence under this Order. If a Fixed Penalty Notice remains unpaid after the time allowed by statute, then the offender may be liable for prosecution.

4. Appeal

4.1 Any challenge to this Order must be made to the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

4.2 Interested parties can challenge the validity of this Order on two grounds:

- 4.2.1 That the Council did not have the power to make the order or variation, or to include particular prohibitions or requirements; or
- 4.2.2 That the Council has not complied with one of the requirements of the relevant legislation.

4.3 Where an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it or vary any of its prohibitions or requirements.

5. Supplementary and Definitions

5.1 An Authorised Officer for the purposes of this Order is a Police Constable, Police Community Support Officer, an Officer of the Council or any other person authorised by written authority of Westmorland and Furness Council to enforce Public Space Protection Orders on behalf of the Council.

5.2 Authorised Officers may make such records and take photographs as required, at their discretion, in order to evidence potential breaches of this Order.

5.3 An Authorised Officer acting to ensure compliance of this Order will show their authorisation to any interested party upon request.

5.4 Key factors authorised officers will consider when taking action is where behaviour (or the behaviour of visitors or associates) causes, or attracts anti-social behaviour and/or has a detrimental effect on the quality of life of those in the area.

5.5 Parks and Open Spaces are defined as being those parts of the Restricted Areas as set out on the attached Schedules, that are designated or are historically used as children's play areas, areas designed for the playing of ball games, gardens,

plant nurseries, ponds, woodland and other defined areas owned or managed by Westmorland and Furness Council that are designed for the leisure and recreation of residents and visitors.

Dated 15th November 2024

The Common Seal of)
WESTMORLAND AND FURNESS COUNCIL)
is affixed in the presence of)



P. Miles
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~~Chief Legal and Monitoring Officer~~
Group Lawyer

RESTRICTED AREAS

Schedule 1

Any land in the administrative area of Westmorland and Furness Council open to the air and to which the public are entitled to access (with or without payment).

Schedule 2

(Dogs on Leads Areas)

Clause 2.1.1.2 of this Order applies to all the land and premises described below:

South Lakeland Area:
Ambleside Rothay Park Play Area
Ambleside Rothay Park Sports Pitches
Ambleside Waterhead Promenade
Arnside Promenade
Bowness-on-Windermere Cemetery
Bowness-on-Windermere Promenade
Ferry Nab, Bowness-on-Windermere
Grange-over-Sands Cemetery
Grasmere Cemetery
Grange Promenade (North)
Grange Promenade (South)
Kendal Acre Moss Sports Pitches
Kendal Castle Street Cemetery
Kendal Golf Course (Permitted public footpaths), the Heights, High Tenterfell
Kendal Jubilee Fields Sports Pitches
Kendal Parkside Cemetery
Sedbergh Cemetery
Ulverston Cemetery
Windermere Cemetery
Windermere Rayrigg Meadow Sports Pitches
Jubilee Fields, Endmoor Car Park

Eden Area:
Brackenber Court Allotment Gardens, Penrith
Castle Park Allotment Gardens, Penrith
Folly Lane Allotment Gardens, Penrith
James Street Allotment Gardens, Penrith
Salkeld Road Allotment Gardens, Penrith
Alston Cemetery, The Firs, Alston
Appleby Cemetery, Bongate Cross, Appleby
Garrigill Cemetery, Beldy, Garrigill
Nenthead Cemetery, Nenthead
Penrith Cemetery, Beacon Edge, Penrith

Barrow Area:
Barrow Park, Park Avenue, Barrow-in-Furness
Barrow Cemetery and Thorncliffe Crematorium, Devonshire Road, Barrow-in-Furness
Dalton Cemetery, Cemetery Hill, Dalton-in-Furness
Ireleth Cemetery, Ireleth Brow, Askam-in-Furness

Schedule 3

(Dog Exclusion Areas)

Clause 2.1.1.4 of this Order applies to all the land and premises described below:

South Lakeland Area:
Play Areas:
Ambleside Castlefield Estate play area
Ambleside Kirkfield Estate play area
Ambleside Rothay Park play area
Bowness Longlands Road play area
Burnside Hall Park play area
Burton Boon Town play area
Cark in Cartmel Old Auction Mart play area
Dent Dragon Croft play area
Grange Fell Close play area
Grange Yew Tree Memorial Fields play area
Grasmere Broadgate Meadow play area
Grasmere High Fieldside play area
Holme Pear Tree Park Estate play area
Kendal Abbot Hall play area
Kendal Acre Moss play area
Kendal Archers Meadow play area
Kendal Briery Meadows Estate play area
Kendal Brockbeck Kirkbarrow play area
Kendal Chambers Close play area
Kendal Greenwood play area
Kendal Howe Bank play area
Kendal Parks Road play area
Kendal Lowther Park play area
Kendal Maple Drive play area
Kendal Rinkfield play area
Kendal Sandylands play area
Kendal The Oaks play area
Kendal Valley Drive play area
Kendal Vicars Field play area
Kendal, Esthwaite Avenue play area
Kendal, Kendal Utd, Castle Drive play area
Milnthorpe Dallam Chase play area
Milnthorpe Chestnut Way play area
Milnthorpe Owlett Ash play area
Oxenholme Bolefoot play area
Sedbergh Maryfell play area
Troutbeck Troutbeck Play Area play area
Ulverston Croftlands play area
Ulverston Dale Street play area
Ulverston Lightburn Park play area

Ulverston Lund Farm Estate play area
Ulverston Mill Dam play area
Ulverston North Lonsdale Road play area
Windermere Mill Beck Close play area
Windermere Queens Park play area
Windermere Rayrigg Meadow play area
Windermere School Knott Estate play area
Sports Pitches:
Kendal Dean Gibson sport pitches
Kendal Kendal Utd Castle Drive sport pitches
Kendal Wattsfield sport pitches
Ulverston Sports Complex
Windermere Queens Park sport pitches
Netherfield Sport Field/Pitches
The Paddock at Maryfell, Sedbergh
Jubilee Playing Fields, Endmoor

Eden Area:
Sports Pitches/Fields:
Frenchfield Sports Pitches, Carleton, Penrith
Castletown Recreation Field, Gilwilly Road, Penrith
Threlkeld Playing Field Adjacent to School, Threlkeld
Play Areas:
Barrowmoor, Barrowmoor Road/Margaret's Way, Appleby
King George V Field, Appleby
Bampton
Bolton
Clifton
Crosby Ravensworth
Great Asby
Kirkby Thore
Laithes
Newton Reigny
Shap
Soulby
Tebay, Alongside South Terrace, Tebay
Tebay, Tennis Courts, Tebay
Penrith Town:
Carleton Heights Open Space, Land Adjacent to Birch Close, Penrith
Castletown Open Space, Mill Street, Penrith
Milton Street Open Space Land Adjacent to Milton Street, Penrith
Pategill Open Space, off Prince Charles Close, Penrith
Scaws Open Space, Land Adjacent to Pennine Way, Penrith

Barrow Area:
Playgrounds
Abbotsvale

Askam Community Toddlers
Askam Community Juniors
Askam Community Skate Park
Askam Saves Lane
Balmoral Gardens
Barrow Park Skate
Barrow park Junior Swings
Barrow park Outdoor Gym
Barrow Park Junior/Toddler
Biggar Bank Timber
Biggar Bank Fenced
Biggar Village
Church Street
Dalton Buttermere Drive
Dalton High Bank
Dalton Leisure Centre MUGA
Dalton Leisure Centre Skate Park
Dalton Leisure Centre Play Area
Dock Museum Play Area
Farm Street Play Area
Farm Street MUGA
Hawcoat Community Centre Play Area
Hindpool Urban Park
Holbeck Park Avenue
Holbeck park MUGA
Lawson Street Skate Park
Lawson Street Play Area
Lindal Play area
Lodge Green Play area
Marsh Sidings Play area
Marton play area
Mill Lane Skate park
Newton play area
Ormsgill Skate park
Ormsgill MUGA
Rating Lane Play area
Roosegate Community Centre play area
Sherborne Avenue play Area
Stanley Road play area
Tantabank Play area
Vickerstown Skate park
Vickerstown Toddler play area
Vickerstown play area
Vickerstown outdoor gym area
Vulcan Road Play area

