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Pendle Borough Councils Public Spaces Protection Order No 1

The Clerk received the following email and attachment from Pendle Borough Council relating to the introduction of Public Spaces Protection Orders.

Last year I contacted you with proposals for a Public Spaces Protection Order for the principal parks in Pendle as part of a public consultation exercise.

These have now been developed further and attached is the draft PSPO. The Council's Policy and Resources Committee has asked that the town and parish councils where the parks are located give further consideration to the draft PSPO with a view to reporting back to the Committee at its meeting on 18 September.

You may want to take the draft PSPO to your council or a relevant committee meeting in which case our Green Spaces Manager or I would be happy to attend.

I would be grateful if you could let me know how you would like to proceed and whether you would like us to attend a meeting.

Best wishes,

*Tim Horsley
Community Protection Coordinator
Localities and Policy Unit
Pendle Council*

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THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 THE BOROUGH COUNCIL OF PENDLE (PUBLIC PARKS)

PUBLIC SPACES PROTECTION ORDER NO 1 2018

This Order may be cited as the Borough Council of Pendle (Public Parks) Public Spaces Protection Order No. 1 2018

The Borough Council of Pendle (in this Order called “the Council”) in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions set out in section 59 of the Act have been met hereby makes the following Order:

1. This Order comes into force on 2018 and shall have effect for a period of 3 years thereafter unless extended by further Orders under the Council’s statutory powers.
2. This Order applies to the public spaces within the Borough Council of Pendle described in Schedule 1 to this Order and shown edged red on the plans annexed to this Order

Prohibited and Required Activities

3. Unless otherwise stated, the effect of this Order is to impose the prohibitions and restrictions detailed in Schedules 1 and 2 to this Order and which prohibitions and restrictions shall apply to all persons at all times of the day and night throughout the entirety of the land to which this Order applies.

Obligations on persons with dogs:

4. Dogs on Leads by Order

A person in charge of a dog at any time on land to which this Part of the Order applies must keep the dog on a lead of no more than two metres in length unless:-

- (a) they have 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 them failing to do so.

This Part of the Order applies to land described in Schedule 1 Column 2 3

5. Exclusion of Dogs

A person in charge of a dog must not take it into or keep it on any land to which this Part of the Order applies unless:-

- (a) They have 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 them doing so.

This Part of the Order applies to land described in Schedule 1 Column 3

6. Exemptions

The obligations on persons with dogs shall not 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

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(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 a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies 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.

Each of the following is a “prescribed charity” –

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680)

“authorised person” means an employee who is authorised by the Council for the purposes of giving directions under this Order.

7. Penalty

7.1 It is an offence for a person without reasonable excuse to engage in any activity prohibited or restricted by this Order.

7.2 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.

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7.3 An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence under this Order. The penalty can be reduced by 50% if paid within 14 days otherwise the full penalty will be due. The Council will not prosecute if the penalty is paid within 29 days.

The COMMON SEAL of the
BOROUGH COUNCIL OF PENDLE
was hereunto affixed to this document this
day of 2018
in the presence of