**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:-

**THIS ORDER** is made on the [DATE] and shall effect for a period of 3 years thereafter, unless discharged or extended under the Council’s statutory powers.

1. **General Provisions**
   1. The Council is satisfied on reasonable grounds that the activities identified in this Order:

* 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:
  + is, or is likely to be, of a persistent or continuing nature;
  + is, or is likely to be, such as to make those activities unreasonable; and
  + justifies the restriction and prohibitions imposed by this Order.
* 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”).

1. **Activity**
   1. **Dogs**
      1. Any person in charge of a dog within the Restricted Areas specified below shall be in breach of this Order if they:
         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. fail to keep a dog on a lead on any road that has speed limit of 20mph or greater, or any footpath, pavement, footway, alleyway, yard or verge which are within 10 metres of such a road, within the identified in Schedule 1;
         3. 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;
         4. fail to put a dog on a lead upon direction of an Authorised Officer in any of the Restricted Areas;
         5. 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
         6. individually walks more than 6 dogs at any one time, within the area identified in Schedule 1.
      2. The provisions of this Order relating to the control of dogs shall not apply to any person who is either:
         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; or
         2. is registered blind in accordance with section 29 of the National Assistance Act 1948, or suffering a disability and in sole charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift or carry everyday objects and the said dog has been trained by a prescribed charity.
2. **Penalty**
   1. Any breach of this order, without reasonable excuse is a criminal offence and is subject to a Fixed Penalty Notice or prosecution. If a Fixed Penalty Notice remains unpaid after the time allowed by statute, then the offender will be liable for prosecution. On summary of conviction, an individual would be liable to a fine not exceeding Level 3 on the standard scale (£1000).
3. **Appeal**
   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.
   2. Interested parties can challenge the validity of this Order on two grounds:
      1. That the Council did not have the power to make the order or variation, or to include particular prohibitions or requirements; or
      2. That the Council has not complied with one of the requirements of the relevant legislation.
   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.
4. **Supplementary and Definitions**
   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.
   2. Authorised Officers may make such records and take photographs as required, at their discretion, in order to evidence potential breaches of this Order.
   3. An Authorised Officer acting to ensure compliance of this Order will show their authorisation to any interested party upon request.
   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. 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, etc., 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

The Common Seal of )

**WESTMORLAND AND FURNESS COUNCIL** )

is affixed in the presence of )

……………………………………….

Chief Legal and Monitoring Officer

**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**

This Order shall apply to the areas below, brief descriptions of which (for the purposes of identification but not delineation) are as follows:

South Lakeland Area:

• Ambleside Rothay Park play area

• Bowness Cemetery

• Grange Cemetery

• Grasmere Cemetery

• Kendal Castle Street Cemetery

• Kendal Parkside Cemetery

• Sedbergh Cemetery

• Ulverston Cemetery

• Windermere Cemetery

• Ambleside Waterhead Promenade

• Arnside Promenade

• Bowness Promenade

• Grange Promenade (North)

• Grange Promenade (South)

• Kendal Golf Course

• Jubilee Fields, Endmoor Car Park

Eden Area:

* Allotment Gardens
* Folly Lane, Penrith
* James Street, Penrith
* Salkeld Road, Penrith
* Brackenber Court, Penrith
* Castle Park, Penrith
* The cemeteries on land:
* at Beacon Edge, Penrith
* to the south-east of Foulard Rigg, Nenthead
* to the south of The Firs, Alston
* at Bongate Cross, Appleby
* to the north of Low Houses, Garrigill

Barrow Area:

* Barrow Cemetery and Thorncliffe Crematorium - Devonshire Road
* Dalton Cemetery - Cemetery Hill, Dalton in Furness
* Ireleth Cemetery - Ireleth Brow, Askam in Furness

**Schedule 3**

This Order shall apply to the areas of land below, brief descriptions of which (for the purposes of identification but not delineation) are as follows:

South Lakeland Area:

* Ambleside Castlefield Estate play area
* Ambleside Kirkfield Estate play area
* Bowness Longlands Road play area
* Burneside 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 Michaelson Road play area
* Kendal Murley Moss 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 Yeats Close 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
* Oxenholme Helmside Gardens 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 Mill Rise play area
* Windermere Queens Park play area
* Windermere Rayrigg Meadow play area
* Windermere School Knott Estate play area
* Ambleside Rothay Park sport pitches
* Kendal Acre Moss sport pitches
* Kendal Acre Moss sports pitches
* Kendal Dean Gibson sport pitches
* Kendal Jubilee Fields sport pitches
* Kendal Kendal Leisure Centre
* Kendal Kendal Utd Castle Drive sport pitches
* Kendal Rinkfield sport pitches
* Kendal Wattsfield sport pitches
* Ulverston Sports Complex
* Windermere Queens Park sport pitches
* Windermere Rayrigg Meadow sport pitches
* Netherfield Sport Field/Pitches
* The Paddock at Maryfell, Sedbergh
* Jubilee Playing Fields, Endmoor

Eden Area:

* Frenchfield sports pitches, Carleton, Penrith
* Castletown Recreation Field, Gilwilly Road, Penrith
* Laithes – adjacent to first house on left (from Penrith)
* Newton Reigny - adjacent to bridge
* Shap - adjacent to swimming pool
* Soulby - adjacent to bridge
* Tebay - alongside South Terrace
* Tebay - by Tennis Courts Tebay
* Threlkeld - playing field adjacent to school

Appleby:

* Barrowmoor - open space behind Barrowmoor Road/Margaret’s Way
* King George V Field - park adjacent to Broad Close car park
* Bampton - playing field opposite school
* Bolton - behind village hall
* Clifton - adjacent to school
* Crosby Ravensworth - behind bus shelter
* Great Asby - at far end of village
* Kirkby Thore - Behind Village Hall

Penrith:

* Carleton Heights – open space adjacent to Birch Close
* Castletown - playing field, Mill Street
* Milton Street - open space adjacent to Milton Street
* Pategill - open space off Prince Charles Close
* Scaws - open space adjacent to Pennine Way

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