

Blackburn with Darwen Borough Council

DOG CONTROL

Public Spaces Protection Order (PSPO) 2024

This Order may be cited as the **Blackburn with Darwen Borough Council – Dog Control Public Space Protection Order 2024** (the 2024 Order)

Blackburn with Darwen Borough Council (“the Council”), being satisfied that the conditions set out in Section 59(2) and 59(3) of the Anti-Social behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to the area as described in Schedule 1, namely that activities in public spaces within the area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the 2024 Order and that it is in all the circumstances expedient to make this 2024 Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59 and 72 of the Act and under all other enabling powers, hereby makes the following Order:

1. If within the area in Schedule 1 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, that person shall be guilty of an offence unless:

- a) he has 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.

2. A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 2 below (cemeteries) he does not keep the dog on a lead unless

- a) he has 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.

3. 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 Schedule 3 (play areas and areas used for sport or other recreation) below unless

- a) he has 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.

4. Nothing in this order shall apply to a person who is:

- a) registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; 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 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.

5. For the purpose of this order:

- a) A person who 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;
- b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- 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;

d) "an authorised officer of the Authority" means an employee, partnership agency or contractor of Blackburn with Darwen Borough Council who is authorised in writing by Blackburn with Darwen Borough Council for the purposes of giving directions under the Order.

e) "Prescribed Charity" means either Dogs for the Disabled (registered charity number 700454), or Support Dogs Limited (registered charity number 1088281) or Canine Partners for Independence (registered charity number (803680)

6. Offences

- a) It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
- b) A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice of £100.
- c) A constable or an authorised officer of the Authority may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order

The Order shall come into operation on _____ 2024 and shall have effect for a period of 3 years thereafter, unless further extended by further orders under the Council's statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

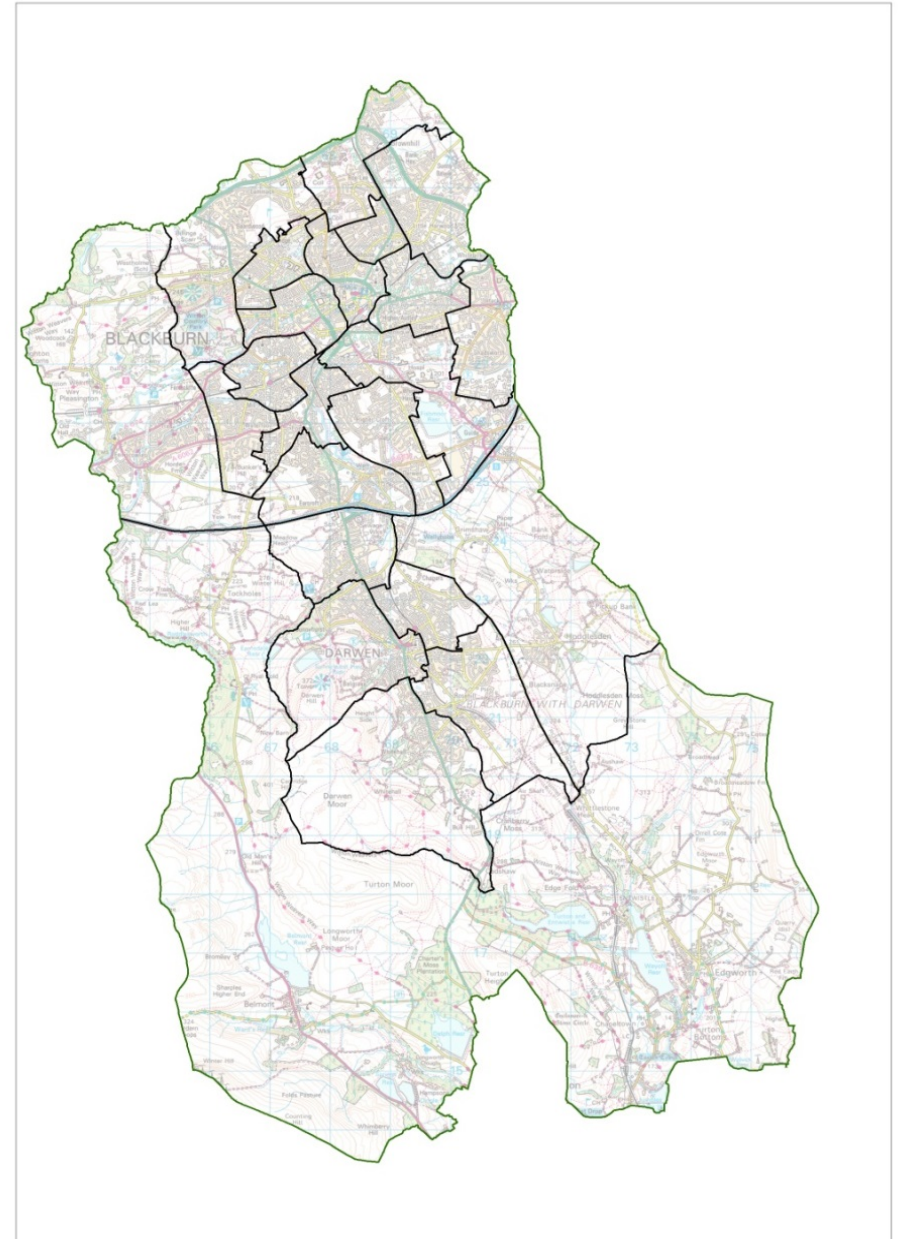
GIVEN under the Common Seal of Blackburn with Darwen Borough Council on the

.....day of 2024

THE COMMON SEAL of the }
Blackburn with Darwen Council }
Was hereunto affixed }
In the presence of }

Authorised Officer

SCHEDULE 1 Map Showing Administrative Area of the Council edged in green to which this Order applies



SCHEDULE 2

1	Pleasington Cemetery
2	Blackburn Cemetery
3	Darwen Cemetery
4	Darwen Eastern Cemetery

SCHEDULE 3

(List of Play Areas and Areas Used for Sport or other Recreation)

1	Anchor Estate	32	Livesey Urban Park
2	Arthur Street	33	Livingstone Road
3	Ashton Park	34	Longton Street
4	Audley Centre Play Area	35	Manxman Road
5	Barlow Institute	36	Mill Hill
6	Beechwood Court/Calder Street	37	Mitton Street
7	Belmont Playing Fields	38	Newfield Drive
8	Bennington Street	39	North Road
9	Birley Street	40	Olive Lane
10	Birley Street	41	Osbourne Road
11	Bold Venture Park	42	Peridot Close
12	Burnley Road	43	Queens Park
13	Calder Close	44	Railton Avenue
14	Cemetery Road	45	Robin Bank
15	Chapelfields Play Area	46	Robinson Street
16	Chester Close	47	Roe Lee Park Play Area, Skate & MUGA (Multi-Use Gaming Area)
17	Chestnut Gardens	48	Rothesay Road
18	Corporation Park Site 1	49	Safe Haven Garden
19	Corporation Park Site 2	50	School Lane
20	Daisyfield	51	St Aidans Avenue
21	Delph Lane	52	St Barnabas Street
22	Dickens Street	53	Staffa Crescent
23	Eccleshill	54	Sudellside
24	Fenisowles	55	Sunnyhurst Woods
25	Galligreaves Estate	56	Tockholes
26	Green Lane	57	Warwick Close Play Area
27	Griffin Park	58	Watery Lane
28	Highfield Road	59	Witton Park Play Areas
29	Hollins Bridge Street & MUGA (Multi-Use Gaming Area)	60	Wolseley Street
30	Ivy Street	61	Wood Street
31	Kendal Street	62	Worsten Avenue