

HYNDBURN BOROUGH COUNCIL

Anti-social Behaviour, Crime and Policing Act 2014

HYNDBURN BOROUGH COUNCIL (CONTROL OF DOGS) PUBLIC SPACES PROTECTION ORDER (Number 1 of 2021) EXTENSION AND VARIATION ORDER 2024

HYNDBURN BOROUGH COUNCIL (“the Council”) in exercise of its powers under Section 60 and Section 61 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) makes this Order, which shall be cited as the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) Extension and Variation Order 2024 (“the Extension and Variation Order”).

On the 17 December 2021 the Council made the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021), and it came into effect for a period of three years from the date on which it was made.

This Extension and Variation Order shall come into effect on the date on which it is made and will continue in force for a period of three years thereafter.

This Extension and Variation Order shall be read in conjunction with and form part of the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021), and will extend and vary the provisions and requirements of it for a period of three years commencing on the date that this Extension and Variation Order is made.

EXTENSION

1. The activities identified in the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021), being carried on in a public place within the Council’s area, had a detrimental effect on the quality of life of those in the locality, were or were likely to be of a persistent or continuing nature, were or were likely to make those activities unreasonable, and therefore the prohibitions and restrictions imposed by the Hyndburn

Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) were justified.

2. The Council in making this Extension and Variation Order under Section 60 of the Act is satisfied on reasonable grounds that extension of the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) and the prohibitions and restrictions contained therein, for a period of three years is necessary to prevent;
 - a) occurrence or recurrence after its expiration of the activities identified in the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021), or
 - b) an increase in the frequency or seriousness of those activities after its expiration.

3. This Extension and Variation Order therefore extends the provisions and requirements of the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) for a period of three years commencing on the date that this Extension and Variation Order is made.

VARIATION

4. The Council in making this Extension and Variation Order under Section 61 of the Act is satisfied that the conditions in Sections 59(2) and (3) of the Act are met as regards to the activities identified in the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) applying to an area which it did not previously apply, and therefore this Extension and Variation Order varies the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) by increasing the restricted area it applies to as follows;
 - a) adding the Multi Use Games Area (MUGA) on Bolton Avenue in Huncoat to the restricted area, as per the plan entitled Bolton Avenue Play Area annexed hereto (refer to Appendix 5),
 - b) adding the new playground and MUGA at Knuzden Recreation ground to the restricted area, as per the plan entitled Knuzden Play Area annexed hereto (refer to Appendix 5) , and

5. The Council in making this Extension and Variation Order under Section 61 of the Act is satisfied that the conditions in Sections 59(2) and (3) of the Act are met as regards to the activities identified in the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) applying to an area which it did not previously apply, and therefore this Extension and Variation Order varies the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) by reducing the restricted area it applies to as follows;
- a) removing the open space at Brookside View in Oswaldtwistle from the restricted area,
 - b) removing the bottom plateau at Bullough Park playing fields from the restricted area, as per the plan entitled Bullough Park (refer to Appendix 5) annexed hereto,
 - c) reducing the area on the bottom plateau at Memorial Park playing fields to exclude the area not used for football pitches from the restricted area, as per the plan entitled Memorial Park & Playing Fields (refer to Appendix 5) annexed hereto, and
 - d) reconfiguring the area at Wilson Playing Fields used for sports pitches to take into account the construction of the new leisure centre, as per the plan entitled Wilson Playing Fields (refer to Appendix 5) annexed hereto.
6. All of the prohibitions and restrictions contained in the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) apply to the restricted area as set out therein, subject to the variations made by this Extension and Variation Order from the date on which it is made, until such time as it no longer remains in force.

GENERAL PROVISIONS

7. It is an offence under Section 67 of the Act for any person without reasonable excuse to do anything that the person is prohibited from doing by, or to fail to comply with a requirement of, the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) and this Extension and Variation Order, to which the person is subject under the provisions of this Order. Any person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
8. A constable or a person authorised by the Council for purposes of Section 68 of the Act may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under Section 67 of the Act in relation to the Hyndburn Borough Council (Control Of Dogs) Public Spaces Protection Order (Number 1 of 2021) and this Extension and Variation Order. The penalty to be paid by a person issued with a fixed penalty notice shall be £80.
9. The Council is satisfied in accordance with Section 72(1) and (2) of the Act that the provisions of this Extension and Variation Order do not contravene articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
10. An interested person (being an individual who lives in the restricted area or who regularly works in or visits that area) may apply to the High Court to question the validity of this Extension and Variation Order, within the period of 6 weeks beginning with the date on which the order is made, on either of the following grounds;
 - a) that the Council did not have power to make the order, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - b) that a requirement under Chapter 2 of the Act was not complied with in relation to the order.

Dated this day of 2024

**THE COMMON SEAL of
HYNDBURN BOROUGH COUNCIL**

Was hereunto affixed in the presence of

Executive Director (Legal and Democratic Services) / Solicitor

No. in Seal Book.....