

**Order for the Extension of a Public Space Protection Order under The Anti- Social Behaviour, Crime and Policing Act 2014**  
**WESTMORLAND AND FURNESS COUNCIL**  
**The Dogs on Leads (Eden) Order 2023**

Westmorland and Furness Council in exercise of its powers under section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”), hereby extend the Dogs on Leads (District of Eden) Order 2008 (“the Order”) by making the following Order:-

**THIS ORDER** is made by Westmorland and Furness Council (“the Council”) because the Council is satisfied on reasonable grounds that the conditions at section 59 (2) and (3) are met as follows:

- activities carried on or likely to be carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality,
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice

**AND** that an extension of the Order is necessary under section 60(2) to prevent-

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.

1. **The Public Open Space** to which this order applies is that land specified in the Schedule.
2. **This Order** comes into force on 19<sup>th</sup> October 2023.

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless
  - (a) he has 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 his failing to do so.
- (2) For the purposes of this article 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.

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Duration of Order**

5. This order shall remain in force for a period of three years unless extended under section 60 of the Act 2014.

**Appeal**

6. An interested person may apply to the High Court to question the validity of this order on the ground that the local authority did not have power to make the order or that it has not complied with a requirement of the Act. An Appeal must be made within 6 weeks of the date on which the order is made.

Date

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

.....  
Chief Legal and Monitoring Officer

## SCHEDULE

This Order applies to the following land in the area of Eden within the District of Westmorland and Furness:

1. All such parts of the roads, carriageways, footpaths, footways, alleyways, yards and verges which are open to the air and to which the public are entitled or permitted to have access and which are within 200 metres of a public highway which comprises or includes a carriageway which is subject otherwise than temporarily to a speed limit of 40 miles per hour or less except for "Access Land" within the meaning of the Countryside and Rights of Way Act 2000 and any rights of way crossing Access Land.
2. The allotment gardens on the land adjacent to:  
Folly Lane, Penrith  
James Street, Penrith  
Salkeld Road, Penrith  
Brackenber Court, Penrith
3. Castle Park, Penrith
4. The cemeteries on land:
  - (a) at Beacon Edge, Penrith
  - (b) to the South-east of Foulard Rigg, Nenthead
  - (c) to the South of The Firs, Alston
  - (d) at Bongate Cross, Appleby
  - (e) to the North of Low Houses, Garrigill