

Public Spaces Protection Order

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Anti-Social Behaviour, Crime and Policing Act 2014

London Borough of Hammersmith & Fulham Dog Control, Dog Fouling and Consumption of Alcohol Etc Public Spaces Protection Order 2017

The Council of the London Borough of Hammersmith & Fulham, in exercise of its powers under sections 59, 63 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers, hereby makes the following order:

1. This Order comes into force on 20 October 2017 and ends on 19 October 2020 unless extended by further Orders under the Council's statutory powers.
2. This Order applies to the public spaces described in the Schedules to this Order ("the restricted areas").
3. The Council is satisfied that the two conditions below have been met, in that -
 - (i) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - (ii) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
4. The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times:
 - (i) **Exclusion**
 - (1) A person in charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or to remain on land within the restricted area referred to in **Schedule 1** of this Order unless -
 - (a) that person 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 that person failing to do so; or
 - (c) is subject to the exemptions listed in **Schedule 1**.

(2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(ii) Leads

(1) A person in charge of a dog, at any time, must keep the dog on a lead in the restricted area detailed in **Schedule 2** of this Order unless –

- (a) that person 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 that person failing to do so.

(2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(iii) Leads by Direction

(1) A person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in the restricted area detailed in **Schedule 3** of this Order unless -

- (a) that person 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 that person failing to do so.

(2) For the purposes of this article –

- (i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (ii) An authorised officer of the Authority may only give a direction under this article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any other animal or bird on any land to which this article applies.

(iv) Specified Maximum

- (1) A person in charge of more than one dog, at any time, must not take more than 4 dogs in the restricted area detailed in **Schedule 4** of this Order unless -
- (a) that person 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 that person failing to do so.

- (2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(v) Fouling

- (1) If a dog defecates at any time on land in the restricted area detailed in **Schedule 5** of this Order and the 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) that person has a reasonable excuse for failing doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or
- (c) is subject to the exemptions listed in **Schedule 5**.

- (2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(vi) Alcohol

- (1) Persons in the restricted area detailed in **Schedule 6** of this Order will, on the request of a Police Officer, Police Community Support Officer or authorised person from the Council cease drinking alcohol and will dispose of or surrender any alcohol in their possession when asked to do so, unless subject to exemptions listed in **Schedule 6**.

5. Penalty

Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at Articles 4 (i), (ii), (iii), (iv) and (v) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

Any person who without reasonable excuse continues consuming alcohol in the restricted area when asked to stop by a Police Officer, Police Community Support Officer or authorised person from the Council, or fails to surrender any alcohol in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council shall be liable on summary conviction to a fine not exceeding level 2 (currently £500) on the standard scale.

6. Fixed Penalty

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 (or £60 if paid within 7 days), failing which they may be prosecuted.

7. Appeals

Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When 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 whole. The High Court can uphold, quash or vary the Order.

Dated: 1 October 2017

Seal No
1455
2004

THE COMMON SEAL of THE MAYOR AND BURGESSES
OF THE LONDON BOROUGH)
OF HAMMERSMITH & FULHAM)
Was hereto affixed in the presence of:-)

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PRINCIPAL SOLICITOR



RESTRICTED AREAS

SCHEDULE 1

1. **The following areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham –**
 1. All children's play areas within the London Borough of Hammersmith & Fulham.
 2. All fenced-off sporting areas within the following parks and open spaces of the London Borough of Hammersmith & Fulham –
 - Rowberry Mead Open Space
 - Ravenscourt Park
 - Hammersmith Park
 - Eel Brook Common
 - South Park
 - Bishops Park
 - Lillie Road Recreational Ground
 - Hurlingham Park
 - Brook Green
 - Shepherds Bush Green
 - Wormholt Park
 3. The following fenced-off war memorial areas within the London borough of Hammersmith & Fulham –
 - Shepherd's Bush Green War Memorial Site.
 4. All no dog areas within the following parks and open spaces within the London Borough of Hammersmith & Fulham –
 - Ravenscourt Park
 - Eel Brook Common
 - Hammersmith Park
 - Bayonne Road Open Space
 5. All grounds of Fulham Palace

2. Exemptions

Nothing in this Schedule applies to a person who –

- (a) Is 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;
- (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.

3. 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)

SCHEDULE 2

1. The following areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment)

- 1. All cemeteries under the administrative control of the London Borough of Hammersmith and Fulham including those outside of the geographical boundaries of the borough:
 - Fulham Cemetery
 - Margravine Cemetery
 - North Sheen Cemetery
 - Mortlake Cemetery
- 2. All of the following wildlife conservation areas within the London Borough of Hammersmith and Fulham:
 - Ravenscourt Park Wildlife Area
 - Bishop's Park Wildlife Area
 - West Brompton Wildlife Station

SCHEDULE 3

All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham

SCHEDULE 4

All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham

SCHEDULE 5

1. All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham

2. Exemptions

Nothing in this Schedule applies to a person who –

- (a) Is 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;
- (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.

3. 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)

SCHEDULE 6

1. All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham

2. Exemptions

Nothing in this Schedule shall apply to –

- (a) Premises authorised by a premises licence to be used for the supply of alcohol;
- (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) A place within the curtilage of premises within paragraph (a) or (b);
- (d) Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115 of the Highways Act 1980 (highway related issues);
- (f) Council-operated licensed premises or land when the premises or land are being used for the supply of alcohol, or within 30 minutes of the end of the period during which the premises have been used for the supply of alcohol.

Seal No
1457
2006

THE COMMON SEAL of THE MAYOR AND BURGESSES
OF THE LONDON BOROUGH
OF HAMMERSMITH & FULHAM
Was hereto affixed in the presence of:-


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PRINCIPAL SOLICITOR

