

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Social Inclusion and Community Safety Policy and Accountability Committee

Date: 01/02/2023

Subject: Public Space Protection Orders

Report author: Charis Champness, Service Transformation Lead in the Community Safety Unit

Responsible Director: Bram Kainth, Strategic Director of Environment

SUMMARY

This report provides PAC Members the opportunity to scrutinise the council's conduct in relation to Public Space Protection Orders (PSPOs). Specifically, two PSPOs relating to (1) Responsible Dog Ownership and (2) Motorised Vehicles along the Thames Path.

There are no decisions required from this report.

RECOMMENDATIONS

1. For the Committee to note and comment on the report
-

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	PSPOs reduce anti-social behaviour and contribute to the council's commitment to tackling anti-social behaviour and cuckooing. Drafting, co-producing, and implementing PSPOs also contributes to the council's commitment to designing out crime.
Creating a compassionate council	PSPOs are created to protect residents in the borough by reducing anti-social behaviour. It is a way of providing affirmative action in response to residents' concerns and allows for visible changes to be made.
Doing things with local residents, not to them	The PSPO process has a thorough consultation process in which residents have the opportunity to help shape and influence the work by expressing their views. The responses from the consultation form part of the evidence base informing thinking

	and decision making on how the final PSPO may be implemented.
Being ruthlessly financially efficient	The Police, and the Council's Law Enforcement Team have the ability and delegated authority to enforce the PSPOs. This provides opportunities to stop offences which would cost the council money to address.
Taking pride in H&F	PSPOs aim to reduce anti-social behaviour in the borough. We know that ASB impacts negatively on perceptions of an area so, by addressing the ASB in a consistent and visible manner we will be able to deliver a safer borough for all.

DETAILED ANALYSIS

What is a Public Space Protection Order (PSPO)?

1. The Anti-Social Behavior (ASB), Crime and Policing Act 2014 introduced a set of streamlined tools to address ASB and the impact that this behavior can have on individuals and communities. Public Space Protection Orders (PSPOs) are one of these tools. Through the provisions of the Act, Local Authorities have the authority to draft and implement a PSPO providing certain criteria and legal tests are met.
2. PSPOs differ from other tools as they are council led and are designed to either prohibit certain activities, or require that people do certain things when engaging in certain activities, within a defined public area.
3. PSPOs should focus on an identified problem behaviour rather than targeting specific individuals, properties or objects (i.e. a PSPO cannot ban a particular object from a particular area, only the use of that object in a particular area). A breach of a PSPO is an offence and authorised officers can issue a fixed penalty notice to those who do not comply.
4. Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 states that local authorities may introduce PSPOs where certain statutory criteria are met. PSPOs are intended to deal with a nuisance or problems in a specific area that is detrimental to the quality of life of local communities, or is likely to have such an effect, by imposing conditions on the use of that area which apply to everyone.
5. The threshold for introducing a PSPO is that the effect, or likely effect, of such activities is, or is likely to be, of a persistent and continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice. Please see **Appendix 1** for guidance on PSPOs.

Viability and Considerations for PSPOs in H&F

6. The introduction of new PSPOs enables agencies to tackle anti-social behaviour. Police Officers, Police Community Support Officers, the Council's Law Enforcement Officers and other authorised personnel would be able to issue Fixed Penalty Notices (FPNs) to people who continue to break these rules.

7. Home Office guidance on introducing a PSPO states that it should target the specific problem behaviour that is having a detrimental impact on the quality of life of the local community rather than everyday socialising. If H&F decide to introduce PSPOs, we must determine the following:
 - Appropriate scope of the order
 - The geographical area to be covered by the restrictions
 - Any potential impact of the proposal
 - How each of the restrictions meet the legal test

8. **Determining Geography**

The council must ensure that the area for the PSPO is proportionate to the problem and activities should only be restricted where necessary. This is determined by gathering evidence through other departments in the council including CCTV, Parks, Housing etc. as well as external agencies such as the Police.

9. **Practical considerations before implementing a PSPO**

There are multiple tools that can be used to tackle anti-social behaviour, so it is important to ensure a PSPO is the most appropriate tool. A PSPO is also resource intensive to introduce. It is important that the requirements for the legislation are met and that the PSPO can be enforced. Other options have been considered as part of a wider enforcement plan. Other ASB powers such as Community Protection Warnings (CPW's) or Community Protection Notices (CPN's) could be used instead of, or alongside, a PSPO.

10. **Determining prohibitions**

The prohibitions included as part of any order need to be clear and easy to understand, so they can withstand any scrutiny placed upon them. The prohibitions also need to fair and considered and ultimately have a good likelihood of having a positive impact upon the problem.

It is recommended that Police Officers, Police Community Support Officers, and Law Enforcement Officers are authorised to enforce the order initially.

11. **Equality Impact Assessments**

The Equality Act 2010 requires local authorities to have due regard when undertaking its work to consider how it may impact upon certain groups within the borough. An Equality Impact Assessment is essential to show how the PSPOs may impact upon groups with protected characteristics. This helps to demonstrate transparency in the process.

12. **Challenging a PSPO**

A PSPO can be challenged on multiple grounds under the Act. This may be in relation to the prohibitions that are set or around the process that was followed. A challenge must be made within 6 weeks and must be made by someone who lives, works or regularly visits the area. The PSPO can also be challenged by judicial review within three months. A PSPO can be made for a maximum of 3 years and can be extended if there is sufficient evidence, and an evaluation is undertaken.

Process of introducing a PSPO

13. Feedback from residents, councillors, partners and others who have a stake or interest in the borough is collated and used to inform whether a Local Authority could and/or should, look to introduce a PSPO. Research is then done into the size of the issue being reported and evidence is gathered.

14. A draft of the order and consultation questions are created and signed off by the Lead cabinet member. The consultation is launched on the Council's platform [H&F Have Your Say \(lbhf.gov.uk\)](#). There is no minimum timescale but following good practice and to enable us to advertise and reach out to residents we maintain that the consultation should go out for no less than 3-4 weeks. This allows residents enough time to give feedback through the consultation. This also allows time for relevant departments and external partners to give their feedback and comments.
15. Once the consultation closes the responses are analysed and used to inform the decisions of the prohibitions moving forward. An equality impact assessment is completed, and a new order is drafted based on the consultation.
16. A summary report is approved by the Environment department, the Senior Leadership team and then a decision paper is given to the lead Cabinet Member for approval and sign off. The Cabinet Members decision is then published, and a 3-day call-in period held before the decision can be legally implemented.
17. The finalised Order is then co-signed by both the Local Authority and Metropolitan Police prior to the official sealing being undertaken by the Local Authority legal team.
18. The sealed order is then published on the council's website and a range of broader publicity is undertaken to ensure that residents are aware that the PSPO is now live. This publicity includes, but is not restricted by, use of social media, online communications, media coverage, localised letter drops (for non-borough wider PSPOs), installation of signage as well as front facing, in person engagement via the LET, the Police and others as appropriate.
19. We are aiming for the documentation to be completed and to pass through sign off internally in late February and to be signed off by the lead Cabinet Member at the start of March, thus beginning the official sign off from police and legal. Overall aiming to launch both PSPOs in April.

Current PSPOs

20. In Hammersmith & Fulham there are currently 4 PSPOs that are active and enforceable. These are:
 - Borough wide ban on alcohol consumption [Alcohol consumption in public spaces public spaces protection order | LBHF](#)
 - Hammersmith town centre ban on amplified noise [Hammersmith Town Centre public spaces protection order \(PSPO\) | LBHF](#)
 - Shepherds Bush ban on amplified noise [Shepherds Bush public spaces protection order \(PSPO\) | LBHF](#)
 - White City ban on amplified noise [White City public spaces protection order \(PSPO\) | LBHF](#)
21. At the time of drafting the report there are two PSPOs open for public consultation. These are Responsible Dog Ownership and Prohibiting the use of electronic and motorised vehicles along the Thames Path PSPO.
22. Information on the Responsible Dog Ownership PSPO begins below with that of Thames Path starting on paragraph 38.

Consultation 1 - Responsible Dog Ownership PSPO:

23. The LET, parks officers and police respond to resident concerns, and report issues they have encountered, in regard to poor behaviour of dogs.
24. These concerns, from both the public and council officers, have focused on dogs not on leads, aggressive dogs with excessive barking/intimidation, dog fouling and dogs approaching children in an uncontrolled manner.
25. With these concerns being raised a PSPO is recommended for the council to enforce rules against those who do not manage their dogs appropriately and, where appropriate to protect others. The PSPO does not seek to take inappropriate action against those who look after their dogs and clean up after them rather to educate and enforce against those who do not.
26. Throughout 2022 there were a total of 229 reports from residents related to dogs and the LET dealt with, and attended, a combined 345 dog related incidents. These incidents vary from dog fouling to reports of dangerous dogs. A PSPO is needed to give us the power to act on those occasions.
27. In October 2020 the previous Dog Control PSPO expired. Since October 2020, dog ownership has increased nationally and locally which has seen increased numbers of concerns raised to the organisation with 345 incidents noted to the LET as referenced in paragraph 26, above.
28. With the numbers of incidents rising it is important that the council responds to these concerns and, as such, the Dog Control PSPO, and its related proposed conditions, will provide additional tools and powers which will support responsible dog ownership and provide greater enforcement opportunities against those who act irresponsibly.
29. The Dog Control PSPO consultation runs between 18 November and 15 January 2023.
30. The consultation seeks views on the proposed prohibitions:
 - **A 'dog exclusion' order**, which would enable authorised officers to stop dogs from entering certain areas including children's playgrounds, sports courts, multi-use games areas, marked pitches where games are in-play and dog free areas in parks. We've developed a list of areas that we think are most appropriate following conversations with colleagues and 'Friends Of' parks groups. Our consultation will seek views on these proposed areas and if there are any others that residents/park users think should be included/excluded.
 - **A 'dogs on leads' order**, which would enable authorised officers to stop people from exercising dogs off-leads in certain areas, such as wildlife conservation areas and cemeteries. We've developed a list of areas that we think are most appropriate following conversations with colleagues and 'Friends Of' parks groups.
 - **A 'dogs on leads by direction' order**, which would enable authorised officers the power to request that dogs be put on leads in certain areas where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively.
 - **A 'specified maximum' order**, which would enable authorised officers to issue penalties to those walking more than the maximum number of dogs at any one time. As part of our consultation, we are seeking residents' views on what they feel is a safe specified maximum. The limit is not set by legislation or guidance. Many local authorities across the nation have come to the conclusion that 4 dogs

- is the appropriate number. The National Association of Pet Sitters and Dog Walkers (NARPS) also suggests walking a maximum of 4 dogs at a time.
- **A 'dog fouling' order** which would enable authorised officers to fine those that do not clean up after their dog.
- **A 'poop scoop and/or disposable bag' order**, this would enable authorised officers to ask dog walkers to produce a clean-up bag which would be used to remove the faeces from the land on request.

31. As of 05/01/2023 there were 798 responses. Once the consultation has closed, we will look to analyse the results and progress forward depending on the outcomes.
32. Details of the PSPO can be found here - [Responsible Dog Ownership - Public Space Protection Order | H&F Have Your Say \(lbhf.gov.uk\)](#)
 - Please see **Appendix 2 and 3** for a copy of the consultation questions and a copy of the draft order
33. As part of the democratic processes within which the councils work is governed residents have the right to lodge a petition against such proposals.
34. Whilst any petition needs to meet certain criteria to be heard at full council we are aware that one has been lodged, and at the time of writing remains open, in regard this proposed PSPO.
35. The petition was created during the consultation process, and it seeks to lobby against all proposed prohibitions within the PSPO.
36. As of 06/01/2023 there were 187 verified signatures but this remains an open and ongoing process.

Prohibiting the use of electronic and motorised vehicles along the Thames Path PSPO:

37. The Community Safety Unit has been asked to explore the feasibility of a Public Space Protection Order (PSPO) to ban the riding/use of E-bikes and E-scooters and other certain electric modes of transport on the Thames Path in the borough of Hammersmith & Fulham. This is in response to concerns raised by residents such people feeling unsafe due to the speed of some people riding, driving, and cycling, obstructions in public walkways, and reports of incidents such as collisions.
38. *E-scooters and e-bikes* are a form of electric powered vehicles. An E-scooter is a battery powered scooter that is ridden standing up. An E-bike is a *bike that can be powered by electricity as well as propelled by pedals*.
39. A consultation is closing on the 29th of January looking into introducing a PSPO along the length of the Thames Path (between the entry and exit points of Hammersmith and Fulham's boundaries) and we are seeking resident's views to introduce a new order for the next 3 years.
40. We are seeking views on the following prohibitions:
 - No person shall ride/cycle/use an E-scooter or E-bike, and we are also seeking residents views on whether the following should be included within the prohibitions:

- Segways
- Mopeds
- Quad bicycles
- Hoverboards
- No person shall recklessly ride a pedal bike in such a way that jeopardises safety along the Thames Path

41. Alongside this we are seeking to consult on when this PSPO would be enforceable from three options - between 08:00-20:00 (7 days a week), 24 hours a day (7 days a week) or something else – the latter option allowing residents to tell us when they see the issues and when they think prohibitions would be most impactful
42. As of 05/01/2023 there were 368 responses. Once the consultation has closed, we will look to analyse the results and progress forward depending on the outcomes.
43. Details of the PSPO can be found here - [Public Space Protection Order – Prohibiting the use of electronic and motorised vehicles along the Thames Path | H&F Have Your Say \(lbfh.gov.uk\)](#) Please see **Appendix 4 and 5** for a copy of the consultation questions and a copy of the draft order
44. The Thames Path PSPO consultation is running between 09 December and 29 January 2023

Next steps

45. Once both consultations close at the end of January the lead officers will analyse all responses and use these to inform which recommendations are made on any prohibition(s) for either order.
46. In line with council governance a summary report will be sent to the Environment Departmental Management Team followed by the councils Senior Leadership Team w/c 20/02/23.
47. A decision paper is given to the lead Cabinet Member for Community Safety for consideration. If the decision is approved it is then published, and a 3-day call-in period held before the decision can be legally implemented.
48. The finalised Order is then co-signed by both the Local Authority and Metropolitan Police prior to the official sealing being undertaken by the Local Authority legal team.

List of Appendices

Appendix 1 – Local Government Association Public Space Protection Order guidance:

 10.21 PSPO
guidance_06_1.pdf

Appendix 2 – Consultation guidance and questions

PSPO Dog Consultation:

To help keep our parks safe and pleasant for all we're consulting on whether we should introduce certain rules around dogs in our parks and open spaces.

PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping the responsible use of public spaces - but they do provide councils with a tool to tackle persistent issues that are damaging their communities.

The vast majority of dog owners act responsibly and keep their dogs under control. However, the council continues to receive concerns from residents about the behaviour of some dogs and irresponsible dog owners.

In response to this, the Council is launching a consultation to ask residents their opinions about a variety of dog control related issues. The feedback from the consultation will help to shape and inform whether the council introduces a dog control public space protection order (PSPO). In our consultation we have proposed a number of potential prohibitions which have been designed to be as simple as possible, giving clarity and outlining expectations. Assistance dog users may be exempt from such prohibitions and we welcome their input on this matter.

We want to ensure that well behaved dogs can be walked or exercised freely off lead in all large parks. Therefore the majority of our parks and open space have areas where a dog is able to exercise freely off a lead. This promotes healthy exercise for dogs and takes into consideration the needs of the borough's dog owners and the welfare of dogs.

The council are proposing a Dog Control PSPO which will cover:

1. A 'dog exclusion' order, which would enable authorised officers to stop dogs from entering certain areas including children's playgrounds, sports courts, multi-use games areas and marked pitches (where games are in-play) and dog free areas in parks.
2. A 'dogs on leads' order, which would enable authorised officers to stop people from exercising dogs off-leads in certain areas, such as wildlife conservation areas and cemeteries.
3. A 'dogs on leads by direction' order, which would grant authorised officers the power to request that dogs be put on leads where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively.
4. A 'specified maximum' order, which would enable authorised officers to issue penalties to those walking more than the maximum number of dogs at any one time.
5. A 'dog fouling' order which would enable authorised officers to fine those that do not clean up after their dog.
6. A 'poop scoop and/or disposable bag' order, this would enable authorised officers to ask dog walkers to produce a clean-up bag which would be used to remove the faeces from the land on request.

How would the PSPO be enforced?

If the person in charge of a dog fails to comply with the requirements of the order following a warning from an authorised council or police officer, they will be issued with £100 Fixed Penalty Notice and taken to court if the fine is not paid within the specified timeframe. A person guilty of an offence is liable on summary conviction to a fine unless:

1. They have the consent from the owner, occupier or person in charge of the land, not to comply with the order
2. They have a reasonable excuse for failing to comply, or
3. They fall within one of the other exemptions within the order

How long would the PSPO last for?

We are proposing that the PSPO lasts for three years at which point we would decide whether to renew it in consultation with residents.

Have your say and what happens next?

We are currently reviewing our rules around dog control and would like to hear your views on any aspects of the PSPO we are proposing.

We want to ensure that the PSPO is proportionate and so we are asking for your feedback to see whether you think these restrictions are needed.

To have your say, please click [here](#) to complete our consultation form.

Please share your thoughts before the consultation closes on Sunday 8th January 2023.

For any queries, please contact us at csu@lbhf.gov.uk.

Consultation Questions:

Q No.	Question	Answer Options
P1.	What is your name?	
P2.	What is your email address?	
P3.	Do you live or work in Hammersmith and Fulham?	<ul style="list-style-type: none">• I live in the area• I work in the area• I live and work in the area
P4.	If you neither work or live in Hammersmith & Fulham, how often do you visit the borough?	<ul style="list-style-type: none">• More than 4 times a week• 1-3 times per week• 1 time in the last month• 1 time 3-6 months• Not within the last year• N/A
1.	Are you a dog owner?	<ul style="list-style-type: none">• Yes (go to 1a)• No• Previously owned a dog (go to 1a)• Thinking of getting a dog
1a.	Are you/were you an assistance dog user? An assistance dog is trained to support disabled people and people with medical	<ul style="list-style-type: none">• Yes• No

	conditions in a variety of ways.	
2.	To what extent do you feel dog fouling is an issue in H&F?	<ul style="list-style-type: none"> • 10 being a large problem • 1 being not a problem
3.	To what extent do you feel dogs being out of control of their owners is a problem in H&F?	<ul style="list-style-type: none"> • 10 being a large problem • 1 being not a problem
4.	<p>Do you support the introduction of a new order introducing 'dog exclusion' areas?</p> <p><i>Dog exclusion areas are areas of our parks where dogs will not be allowed to enter.</i></p> <p><i>We are proposing the following dog exclusion areas:</i></p> <ul style="list-style-type: none"> • <i>All children's play areas</i> • <i>All fenced sporting areas</i> • <i>All fenced war memorial areas</i> • <i>All no dog areas within the following parks and open spaces.</i> <ul style="list-style-type: none"> • <i>Wendell Park - School zone</i> • <i>Cathnor Park - Picnic area</i> • <i>Godolophin Road Open Space - Pond area</i> • <i>Ravenscourt Park - Picnic area, Walled garden, Fenced area around the lake, & Wildlife area</i> • <i>Furnivall Gardens - Walled Garden</i> • <i>St Pauls Garden - Fenced picnic area</i> • <i>Rowberry Mead Open Space</i> • <i>Eel Brook Common - Fenced picnic area & Fenced flower garden</i> • <i>Bishops Park - Fenced picnic area & pond area</i> • <i>Hurlingham Park - Rose garden</i> • <i>All grounds of Fulham Palace</i> • <i>South Park - Pond area</i> 	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
4a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I want somewhere else to be included (free text box for elaboration) • I want somewhere to be excluded (free text box for elaboration)

		<ul style="list-style-type: none"> • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration)
5.	<p>Do you support the introduction of a new order introducing 'dogs on leads only' areas?</p> <p><i>'Dogs on leads only' areas are areas of our parks where dogs must be on a lead.</i></p> <p><i>We are proposing the following 'dogs on lead only' areas:</i></p> <ul style="list-style-type: none"> • <i>All cemeteries and churchyards under the administrative control of H&F (including North Sheen Cemetery and Mortlake Cemetery)</i> • <i>All Wildlife Conservation Areas:</i> <ul style="list-style-type: none"> • <i>Wormwood Scrubs Wildlife Areas</i> • <i>Bishop's Park Wildlife Area</i> • <i>All Café/Tea Houses</i> • <i>All Outdoor Gyms</i> • <i>The following areas within parks and open spaces:</i> <ul style="list-style-type: none"> ▪ <i>Wormwood Scrubs - Forest Schools</i> ▪ <i>Hammersmith Park - Japanese Garden</i> ▪ <i>Wendell Park - Picnic area</i> ▪ <i>Cathnor Park - Forest School</i> ▪ <i>Shepherd's Bush Green - former toilet block area</i> ▪ <i>Brook Green - Picnic area</i> ▪ <i>St Pauls Garden - Forest School</i> ▪ <i>Marcus Garvey Area - Forest School</i> ▪ <i>Westcroft Square</i> ▪ <i>Bayonne Road Open Space</i> ▪ <i>Normand Park - Community garden & bowling green garden</i> ▪ <i>Frank Banfield Park - Community garden</i> 	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure

	<ul style="list-style-type: none"> ▪ <i>Bishops Park - Event area & moat garden</i> ▪ <i>Sir William Powell Almshouses</i> ▪ <i>Loris Gardens</i> ▪ <i>South Park - Community centre & market garden</i> ▪ <i>Vicarage Gardens</i> ▪ <i>William Parnell Park - Community garden</i> 	
5a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I want somewhere else to be included (free text box for elaboration) • I want somewhere to be excluded (free text box for elaboration) • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration)
6.	<p>Do you support the introduction of a new order regarding 'dogs on leads by direction'?</p> <p><i>This order will grant authorised officers the power to request that dogs be put on leads where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively.</i></p> <p><i>Officers would have the power to request this in all public areas in H&F.</i></p>	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
6a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration)
7.	<p>Do you support the introduction of a new order regarding the specified maximum of dogs that someone is responsible for?</p> <p><i>This order will introduce a rule which means that only a certain number of dogs can be walked by any one person, at any one time. Officers could issue fines to anyone walking more than the specified maximum.</i></p>	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure

	<p><i>This would apply in all public areas in H&F.</i></p>	
7a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration)
7b.	<p>How many dogs do you feel can be safely walked at any one time?</p> <p><i>Your answer to this will inform the specified maximum number of dogs referenced in question 7.</i></p>	Drop down numbers 1-5. Other option (free text box).
8.	<p>Do you support the introduction of the new order regarding dog fouling?</p> <p><i>This order will grant authorised officers the power to issue a Fixed Penalty Notice (FPN) to anyone walking a dog who allows the dog to foul.</i></p> <p><i>Officers would have this power in all public areas in H&F.</i></p>	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
8a..	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration) <p>I don't believe the proposed rules go far enough to tackle these issues.</p>
9..	<p>Do you support the introduction of the new order regarding poop scoop and/or disposable bags?</p> <p><i>This order will grant authorised officers the power to issue a Fixed Penalty Notice (FPN) to anyone walking a dog who is not carrying a poop scoop and/or disposable bags.</i></p> <p><i>Officers would have this power in all public areas in H&F.</i></p>	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure

9a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rule is too strict and isn't proportionate to the issue • I don't believe the proposed rule goes far enough to tackle this issue • Other (free text box for elaboration)
10.	Overall, do you support the introduction of a new responsible dog ownership PSPO?	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
10a.	If maybe, no, or unsure, why?	<ul style="list-style-type: none"> • I think the proposed rules are too strict and aren't proportionate to the issue • I want something/somewhere else to be included (free text box for elaboration) • I want something/somewhere to be excluded (free text box for elaboration) • I don't believe the proposed rules go far enough to tackle these issues

Closing Text

Thank you for taking the time to complete the survey.

The results will help us to influence the new PSPO in Hammersmith & Fulham. The final decision will be published on the council website.

You can now close your browser.

Appendix 3 – PSPO Draft:

Public Spaces Protection Order
LONDON BOROUGH OF HAMMERSMITH & FULHAM
Anti-Social Behaviour, Crime and Policing Act 2014

London Borough of Hammersmith & Fulham Responsible Dog Ownership Public Spaces Protection Order 2022

The Council of the London Borough of Hammersmith & Fulham, in exercise of its powers under sections [59](#) 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 “” and ends on “” 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) DOGS ON LEADS AS DIRECTED

(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 **[]** 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

(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) CLEAN-UP SCOOP and/or BAG REQUIREMENT

(1) A person in charge of a dog, at any time, must be able to produce a poop scoop and/or disposable bags which would be used to remove the faeces from the land on the request of an authorised officer and do so in the restricted area detailed in **Schedule 6** of this Order unless –

- (d) that person has a reasonable excuse for failing to do so; or
- (e) 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.

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 £1,000) on the standard scale.

Fixed Penalty

Police Officers, Police Community Support Officers, the council's Law Enforcement Officers and other authorised personnel can issue Fixed Penalty Notices (FPNs) to people who continue to break these rules. 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.

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.

Appendix 4 – Consultation guidance and questions

Public Space Protection Order – Prohibiting the use of electronic and motorised vehicles along the Thames Path

Residents have reported safety concerns along the Thames Path due to e-scooters and e-bikes. Some residents report feeling unsafe due to the speed of these vehicles, concerns around the obstructions in public walkways, and collisions.

We want pedestrians to feel safe when taking walks and travelling along the Thames Path.

What are we proposing:

We are considering introducing a Public Space Protection Order (PSPO) to prohibit the riding of e-scooters and e-bikes and other motorised vehicles along the Thames Path and/or prohibit motorised vehicles from rising over a certain speed.

E-scooters and e-bikes are a form of electric powered vehicles. An E-scooter is a battery powered scooter that is ridden standing up. An E-bike is a bike that can be powered by electricity as well as propelled by pedals

This would allow Police Officers and Law Enforcement Officers to issue fines to people who use these vehicles or speed along the Thames Path.

PSPOs are designed to help keep our public spaces safe and pleasant for all and only apply to public spaces/areas.

We are seeking residents' views on whether the riding of e-scooters and e-bikes should be restricted along the Thames Path. The restrictions would apply along the flowing stretch:



We are also seeking residents' views on whether the following should be included within the prohibitions:

- Segways
- Mopeds
- Quad bicycles
- Hoverboards

We would like your feedback on whether these prohibitions should apply between 8am-8pm (7 days a week), 24 hours a day (7 days a week) or something else.

These rules wouldn't apply to mobility scooters or other mobility aids.

How would the PSPO be enforced?

If a person fails to comply with the requirements of the order following a warning from an authorised council or police officer, they will be issued with £100 Fixed Penalty Notice (FPN) and taken to court if the fine is not paid within the specified timeframe. A person guilty of an offence is liable on summary conviction to a fine unless:

1. They have the consent from the owner, occupier or person in charge of the land, not to comply with the order
2. They have a reasonable excuse for failing to comply

How long would the PSPO last for?

If we introduce a PSPO the prohibitions will last for three years. After three years we will consult with residents again and decide whether or not to renew the order.

Have your say and what happens next?

We would like to hear your views on whether or not we should introduce a PSPO, so we can ensure any prohibitions are proportionate.

To have your say, please click [here](#) to complete our consultation form.

Please share your thoughts before the consultation closes on XX 2022.

For any queries, please contact us at csu@lbhf.gov.uk.

Consultation Questions

Q No.	Question	Answer Options
P1.	What is your name?	
P2.	What is your email address?	
P3.	Do you live or work in Hammersmith and Fulham?	<ul style="list-style-type: none"> • I live in the area • I work in the area • I live and work in the area • None of the above
P4.	If you neither work nor live in Hammersmith & Fulham, how often do you visit the borough?	<ul style="list-style-type: none"> • More than 4 times a week • 1-3 times per week • 1 time in the last month • 1 time 3-6 months • Not within the last year • N/A
1.	Do you believe that vehicles (including e-scooters and e-bikes) and other forms of transport being irresponsibly ridden reduces safety on the Thames Path?	<ul style="list-style-type: none"> • Yes • Maybe • No (if no go to any other comments, final question) • Unsure
2.	Do you support the introduction of a PSPO prohibiting the use of E-scooters and E-bikes down the Thames Path?	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
2a.	If No, Unsure or Maybe why?	<ul style="list-style-type: none"> • I think only E-scooters should be included • I think only E-bikes should be included • I don't think a PSPO is needed • Other (free text)
3.	Which of the following do you feel should also be included in a possible PSPO? (Tick all that apply)	<ul style="list-style-type: none"> • Segways • Mopeds • Quad bicycles • Hoverboards • None • Other (please expand)
4.	Do you support the introduction of a PSPO prohibiting the reckless riding of pedal bikes in such a way that jeopardises safety along the Thames Path?	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
4a.	If No, Unsure or Maybe why?	Free text box
5.	Do you believe the proposed exclusion areas are sufficient?	<ul style="list-style-type: none"> • Yes • Maybe • No • Unsure
5a.	If No, Unsure or Maybe why?	<ul style="list-style-type: none"> • I think the proposed area is too strict and isn't proportionate to the issue • I don't believe the proposed area goes far enough to tackle this issue • Other (free text box for elaboration)
6.	When do you think any prohibitions	<ul style="list-style-type: none"> • Between 8am-8pm, 7 days

	should apply?	a week • 24 hours a day, 7 days a week • Other (free text box for elaboration)
7.	Do you have any other comments?	Free text box

Closing Text

Thank you for taking the time to complete the survey.

The results will help us to decide whether to introduce a PSPO along the Thames Path. The final decision will be published on the council website.

You may now close your browser.

Appendix 5 – Draft PSPO Order:

Public Spaces Protection Order
LONDON BOROUGH OF HAMMERSMITH & FULHAM
Anti-Social Behaviour, Crime and Policing Act 2014
London Borough of Hammersmith & Fulham Council
Prohibition of E-scooter, E-bikes, & Pedal Cycles
Public Spaces Protection Order 2022

This Order is made by The Council of the London Borough of Hammersmith & Fulham, exercising its powers under sections [59](#), [64](#) and [72](#) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers. 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.

This Order applies to the areas shaded on the attached maps.

A. RESTRICTIONS

- 1) No person shall ride/cycle/use an E-scooter or E-bike, or use other motorised vehicles listed in **Schedule 1** along the Thames Path (shown on the attached map) unless -
 - that person has a reasonable excuse for failing to do so; or
 - 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) No person shall recklessly ride a pedal bike in such a way that jeopardises safety along the Thames Path unless -

- that person has a reasonable excuse for failing to do so; or
- 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

B. PERIOD FOR WHICH THE ORDER HAS EFFECT

This Order comes into force at 00:00 hrs on " and ends on " unless extended by further Orders under the Council's statutory powers.

At any point before the expiry of this period the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time subject to their being reasonable grounds to support a decision.

C. FAILURE TO COMPLY WITH THIS ORDER

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014 states:

1. It is an offence for a person without reasonable excuse:
 - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
2. A person guilty of an offence under this section is liable on summary conviction to a fine.

Fixed Penalty

Police Officers, Police Community Support Officers, the council's Law Enforcement Officers and other authorised personnel can issue Fixed Penalty Notices (FPNs) to people who continue to break these rules. 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.

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.

Exemptions

Nothing in this order applies to a Disabled person who uses a mobility scooter for access reasons.

RESTRICTED AREAS

The Thames Path within the London Borough of Hammersmith & Fulham. Please see map below:



Schedule 1:

- Segways
- Quad bicycles
- Hoverboards