

Appendix 2 - 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 " 2023 and ends on " 2026 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 the 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 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) A person must not walk with other dog walkers when the combined number of dogs exceeds 4 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.
- (3) 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. 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 –
- 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.

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.

Penalty

Any person who repeatedly commits offence may be liable to be prosecuted. Therefore, those who fail to comply with any of the requirements or prohibitions in this Order could be liable on summary conviction to a fine not exceeding level 3 (currently £1,000) on the standard scale.

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 Schedule 1, 5 & 6 applies to a Disabled person who uses a dog in which they rely upon for assistance.

Dogs preferably should be trained by a member of Assistance Dogs UK or any other registered charity whose activities include the training of assistance dogs.

Some member organisations can be found here: [Find an Assistance Dog Charity - ADUK \(assistancedogs.org.uk\)](https://www.assistancedogs.org.uk)

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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 —
 - All children's play areas
 - All fenced sporting areas
 - All fenced war memorial areas
 - All no dog areas within the following parks and open spaces. These are clarified below:
 - All grounds of Fulham Palace
 - Bishops Park - Fenced picnic area & pond area
 - Cathnor Park – Dog exclusion zone
 - Eel Brook Common - Fenced picnic area & fenced flower garden
 - Furnivall Gardens - Walled garden
 - Godolphin Road Open Space - Pond area
 - Gwendwr Gardens
 - Ravenscourt Park - Picnic area, walled garden, fenced area around the lake, & wildlife area
 - Rowberry Mead Open Space
 - St Paul's Garden - Fenced picnic area
 - South Park - Pond area
 - Vicarage Gardens
 - Wendell Park - School zone

SCHEDULE 2

2. 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 —
 - All cemeteries and churchyards under the administrative control of the London Borough of Hammersmith and Fulham. This includes those outside of the geographical boundaries of the borough shown below:
 - Mortlake Cemetery
 - North Sheen Cemetery
 - All Wildlife Conservation Areas:
 - Bishop's Park Wildlife Area
 - Wormwood Scrubs Wildlife Areas
 - All Café/Tea Houses
 - All Outdoor Gyms
 - The following areas within parks and open spaces:
 - Bayonne Road Open Space
 - Bishops Park - Event area & moat garden
 - Brook Green - Picnic area
 - Cathnor Park - Forest school
 - Frank Banfield Park - Community garden
 - Hammersmith Park - Japanese garden

- Hurlingham Park – Rose garden
- Loris Gardens
- Marcus Garvey Area - Forest school
- Normand Park - Community garden & bowling green garden
- Shepherd's Bush Green – former toilet block area
- Sir William Powell Almshouses
- South Park - Community centre & market garden
- St Paul's Garden - Forest school
- Wendell Park - Picnic area
- Westcroft Square
- William Parnell Park - Community garden
- Wormwood Scrubs - Forest schools

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

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 6

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.