

Appendix 2

Draft Order for Proposed PSPO

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The Anti-social Behaviour, Crime and Policing Act 2014

Section 59 Public Spaces Protection Order

London Borough of Hammersmith and Fulham hereby makes the following Order:

No person shall ride/cycle/use an E-scooter or E-bike, or use other motorised vehicles listed in Schedule 1, along the pedestrianised parts of the Thames Path (shown on the attached map)

This Order comes into force on X July 2023 and expires on X July 2026

THIS ORDER is made by the London Borough of Hammersmith and Fulham (in this order called “the Authority”) because The Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely the Thames Path shown on the attached map:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be unreasonable; and
- 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.

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 pedestrianised parts of the Thames Path (shown on the attached map) unless -
 - that person has a reasonable excuse for failing to comply; or
 - the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to comply.

B. EXEMPTIONS

- 1) *Nothing in this order shall affect a Disabled person (see **Schedule 2** for eligibility), or anyone with restricted mobility who uses any electric powered vehicle as a mobility aid.*
- 2) *Nothing in this order shall affect any parent or carer using electric powered vehicles to transport children.*

C. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER

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.

A person guilty of an offence under this section is liable on summary conviction to a fine.

Fixed Penalty

The council's Law Enforcement Officers and other authorised personnel such as Police Officers, and Police Community Support Officers 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 six (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:

- 1) that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or
- 2) 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.

This order shall remain in place until X July 2026

..... NEIL THURLOW,
Assistant Director of Community Safety, Resilience and CCTV

..... CRAIG KNIGHT,
Superintendent, METROPOLITAN POLICE

RESTRICTED AREAS

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



Schedule 1- Prohibited motor vehicles

- E-bikes
- E-scooters
- Segways
- Quad bikes
- Hoverboards

Schedule 2 - the statutory disabilities where an exemption to the order would apply are as used by [London Councils](#) (in accordance with the Transport Act 2000) in respect to transportation and eligibility for Freedom Passes.

1. People who are blind or partially sighted
2. People who are profoundly or severely deaf
3. People without speech
4. People who have a disability, or have suffered an injury, which has left them with a substantial and long-term adverse effect on their ability to walk
5. People who do not have arms/legs or have a long-term loss of the use of both arms/legs
6. People who have a learning disability that is defined as 'a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning'
7. People who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol