

# **Wandsworth Council Consultation on the Introduction or Renewal of Borough-wide Public Space Protection Orders**

## **PROPOSED ORDERS**

### **Anti-social Behaviour Caused by Drinking Alcohol in a Public Space Order 2020**

Proposed legal definition for this order:

- a) It shall be an offence for any person to refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a police officer or authorised officer in order to prevent public nuisance or disorder, unless:
- b) He/She has a reasonable excuse for failing to do so.

### **Offence and Penalty**

Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

### **Use of Novel Psychoactive Substances in a Public Space Order 2020**

1. Legal definition for this order:

- (a) Person(s) within the Restricted Area will not:
  - Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
  - Sell or supply intoxicating substances.

2. Intoxicating Substances is given the following definition (does not include alcohol):

- Substances with the capacity to stimulate or depress the central nervous system.

3. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

4. Persons within this area who breach this prohibition shall surrender intoxicating substances in his/her possession to an authorised person.

5. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

## **Offence and Penalty**

Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

### **The Fouling of Land by Dogs (London Borough of Wandsworth Footpaths, Highways, Cemeteries, Parks and Open Spaces) Order 2020**

This Order applies to the land specified in the Schedule.

#### **Offence**

(1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence 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) Nothing in this article 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) 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) For the purposes of this article—

- (a) 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;
- (b) placing the faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) 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).

## Penalty

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.

## SCHEDULE

All footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and every cemetery, park, garden and open space which is managed by the Council in the London Borough of Wandsworth, other than land held by the Council by virtue of section 12 of the Housing Act 1985.

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### **The Dogs on Leads (London Borough of Wandsworth Footpaths, Highways, Cemeteries, Parks and Open Spaces) Order 2020**

This Order applies to the land specified in the Schedule.

## Offence

(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

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.

## SCHEDULE

All footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and all cemeteries and the following parks and open spaces in the London Borough of Wandsworth.

Bramford Road Open Space, SW18	Petergate Open Space, SW11
Garratt Lane Old Burial Ground, SW18	Putney Old Burial Ground, SW15

Huguenot Burial Ground, SW18	Wandsworth Town Hall, SW18
Lavender Gardens, SW11	

The areas of the following parks and open spaces outlined in blue on the map(s) to this Order:

Battersea Park, SW11	Tooting Commons, SW17
King George's Park, SW18	Wandsworth Common, SW18
Leader's Garden's, SW15	Wandsworth Common, SW11
The Pleasance & Putney Park Lane, SW15	Wandsworth Park, SW15

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**The Dogs on Leads by Direction (London Borough of Wandsworth Parks and Open Spaces) Order 2020**

This Order applies to the land specified in the Schedule.

In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

**Offence**

(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 comply with a direction given him by an authorised officer of the Authority to put and 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) 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;
- (b) an authorised officer of the Authority may only give a direction under this Order 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 [on any land to which this Order applies] or the worrying or disturbance of any animal or bird.

**Penalty**

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

## SCHEDULE

Battersea Park, SW11	Latchmere Recreation Ground, SW11
Christchurch Gardens, SW11	Leaders Gardens, SW15
Coronation Gardens, SW18	Putney Lower Common Cemetery, SW15
Falcon Park, SW11	Queenstown Green, SW8
Fountain Road Recreation Ground, SW17	Shillington Park, SW11
Fred Wells Gardens, SW11	The Pleasance & Putney Park Lane, SW15
Furzedown Recreation Ground, SW17	Tooting Commons, SW17
Garratt Green, SW17	Tooting Gardens, SW17
Garratt Park, SW17	Wandsworth Common, SW18
Godley Road Open Space, SW18	Wandsworth Common, SW11
Harroway Road Open Space, SW11	Wandsworth Park, SW15
Heathbrook Park, SW8	York Gardens, SW11
King George's Park, SW18	

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### **The Dogs Exclusion (London Borough of Wandsworth Parks and Open Spaces) Order 2020**

This Order applies to the land specified in the Schedule.

#### **Offence**

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or remain on, any land to which this Order applies unless—

- (a) he has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so

(2) Nothing in this article 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 293385) and upon which he relies for assistance; or
- (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) For the purposes of this article—

- (a) 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;
- (b) 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)

**Penalty**

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.

**SCHEDULE**

The following parks, open spaces and facilities:

Balham Leisure Centre, SW12	Montefiore Gardens, SW8
Battersea Sports Centre, SW11	Putney Leisure Centre, SW15
Cunliffe Street Open Space, SW16	Roehampton Sport & Fitness Centre, SW15
Dover House Road Playing Fields, SW15	Swaby Gardens, SW17
Fishponds Playing Fields, SW17	The Spit, SW18
Furzedown Recreation Centre, SW17	Tooting Leisure Centre, SW17
Furzedown Recreation Ground, SW17	Upper Tooting Park Play Area, SW17
John Burns Playground, SW11	Wandle Recreation Centre, SW18
Latchmere Leisure Centre, SW11	Waterman's Green, SW15

The areas of the following parks and open spaces outlined in red on the map(s) to this Order:

Battersea Park, SW11	Latchmere Recreation Ground, SW11
Bramford Road Open Space, SW18	Lavender Gardens, SW11
Coronation Gardens, SW18	Leaders Gardens, SW15
Falcon Park, SW11	Shillington Street Open Space, SW11
Fountain Road Recreation Ground, SW17	Tooting Commons, SW17
Fred Wells Gardens, SW11	Tooting Gardens, SW17
Garratt Green, SW17	Wandsworth Common, SW18
Garratt Park, SW17	Wandsworth Common, SW11
Harroway Road Open Space, SW11	Wandsworth Park, SW15
Heathbrook Park, SW8	York Gardens, SW11
King George's Park, SW18	

This Order applies to the land specified in the Schedule.

On land to which this Order applies, the maximum number of dogs which a person may take onto that land is four.

## **Offence**

(1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in article 3 of this Order, unless—

- (a) he has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing 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**

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

## **SCHEDULE**

All footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and every cemetery, park, garden and open space which is managed by the Council in the London Borough of Wandsworth, other than land held by the Council by virtue of section 12 of the Housing Act 1985.

These Orders come into force on XX XXXXXXXX 2020.

[Date]

[Attestation clause]