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 vapourisers 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.

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.

<table>
<thead>
<tr>
<th>Bramford Road Open Space, SW18</th>
<th>Petergate Open Space, SW11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garratt Lane Old Burial Ground, SW18</td>
<td>Putney Old Burial Ground, SW15</td>
</tr>
</tbody>
</table>
The areas of the following parks and open spaces outlined in blue on the map(s) to this Order:

<table>
<thead>
<tr>
<th>Battersea Park, SW11</th>
<th>Tooting Commons, SW17</th>
</tr>
</thead>
<tbody>
<tr>
<td>King George’s Park, SW18</td>
<td>Wandsworth Common, SW18</td>
</tr>
<tr>
<td>Leader’s Garden’s, SW15</td>
<td>Wandsworth Common, SW11</td>
</tr>
<tr>
<td>The Pleasance &amp; Putney Park Lane, SW15</td>
<td>Wandsworth Park, SW15</td>
</tr>
</tbody>
</table>

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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

<table>
<thead>
<tr>
<th>Battersea Park, SW11</th>
<th>Latchmere Recreation Ground, SW11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christchurch Gardens, SW11</td>
<td>Leaders Gardens, SW15</td>
</tr>
<tr>
<td>Coronation Gardens, SW18</td>
<td>Putney Lower Common Cemetery, SW15</td>
</tr>
<tr>
<td>Falcon Park, SW11</td>
<td>Queenstown Green, SW8</td>
</tr>
<tr>
<td>Fountain Road Recreation Ground, SW17</td>
<td>Shillington Park, SW11</td>
</tr>
<tr>
<td>Fred Wells Gardens, SW11</td>
<td>The Pleasance &amp; Putney Park Lane, SW15</td>
</tr>
<tr>
<td>Furzedown Recreation Ground, SW17</td>
<td>Tooting Commons, SW17</td>
</tr>
<tr>
<td>Garratt Green, SW17</td>
<td>Tooting Gardens, SW17</td>
</tr>
<tr>
<td>Garratt Park, SW17</td>
<td>Wandsworth Common, SW18</td>
</tr>
<tr>
<td>Godley Road Open Space, SW18</td>
<td>Wandsworth Common, SW11</td>
</tr>
<tr>
<td>Harroway Road Open Space, SW11</td>
<td>Wandsworth Park, SW15</td>
</tr>
<tr>
<td>Heathbrook Park, SW8</td>
<td>York Gardens, SW11</td>
</tr>
<tr>
<td>King George’s Park, SW18</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Balham Leisure Centre, SW12</th>
<th>Montefiore Gardens, SW8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battersea Sports Centre, SW11</td>
<td>Putney Leisure Centre, SW15</td>
</tr>
<tr>
<td>Cunliffe Street Open Space, SW16</td>
<td>Roehampton Sport &amp; Fitness Centre, SW15</td>
</tr>
<tr>
<td>Dover House Road Playing Fields, SW15</td>
<td>Swaby Gardens, SW17</td>
</tr>
<tr>
<td>Fishponds Playing Fields, SW17</td>
<td>The Spit, SW18</td>
</tr>
<tr>
<td>Furzedown Recreation Centre, SW17</td>
<td>Tooting Leisure Centre, SW17</td>
</tr>
<tr>
<td>Furzedown Recreation Ground, SW17</td>
<td>Upper Tooting Park Play Area, SW17</td>
</tr>
<tr>
<td>John Burns Playground, SW11</td>
<td>Wandle Recreation Centre, SW18</td>
</tr>
<tr>
<td>Latchmere Leisure Centre, SW11</td>
<td>Waterman’s Green, SW15</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Battersea Park, SW11</th>
<th>Latchmere Recreation Ground, SW11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bramford Road Open Space, SW18</td>
<td>Lavender Gardens, SW11</td>
</tr>
<tr>
<td>Coronation Gardens, SW18</td>
<td>Leaders Gardens, SW15</td>
</tr>
<tr>
<td>Falcon Park, SW11</td>
<td>Shillington Street Open Space, SW11</td>
</tr>
<tr>
<td>Fountain Road Recreation Ground, SW17</td>
<td>Tooting Commons, SW17</td>
</tr>
<tr>
<td>Fred Wells Gardens, SW11</td>
<td>Tooting Gardens, SW17</td>
</tr>
<tr>
<td>Garratt Green, SW17</td>
<td>Wandsworth Common, SW18</td>
</tr>
<tr>
<td>Garratt Park, SW17</td>
<td>Wandsworth Common, SW11</td>
</tr>
<tr>
<td>Harroway Road Open Space, SW11</td>
<td>Wandsworth Park, SW15</td>
</tr>
<tr>
<td>Heathbrook Park, SW8</td>
<td>York Gardens, SW11</td>
</tr>
<tr>
<td>King George’s Park, SW18</td>
<td></td>
</tr>
</tbody>
</table>

The Dogs (Specified Maximum) (London Borough of Wandsworth Footpaths, Highways, Parks and Open Spaces) Order 2020
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 XXXXXXX 2020.

[Date]

[Attestation clause]