**Public Spaces Protection Orders – final proposals following consultation**

July 2017

**Summary of amended proposals**

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| **#** | **Proposal** | **Location** |
| 1A | Dog walkers must remove forthwith faeces left by any dog in their charge. | Borough |
| 1B | Dogs are excluded from Barn Elms (playing fields) at all times and Petersham Meadows between 1 April – 1 November. | Site-specific |
| 1C | Dogs must be on leads at Crane Park Island, Leg o’ Mutton Reservoir, Terrace Gardens, York House Gardens (including Champions Wharf), Kings Field, Diamond Jubilee Gardens, Ham Common Pond, Kew Pond, Barnes Pond, Sheen Common Pond, open cemeteries and closed cemeteries. | Site-specific |
| 1D | The maximum number of dogs in a person’s charge is four unless in possession of a valid licence issued by the Council permitting up to six dogs. | Parks & Highways |
| 1E | Dogs are not permitted within play or sports areas enclosed by fences or hedges (including playgrounds, Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks). | Parks |
| 1F | Dog walkers must ensure any dog in their charge is under proper control and does not cause annoyance to any person or animal. Damage to any Council structure, equipment, tree, plant or turf is prohibited. | Parks |
| 2A | Birds and animals must not be fed in a manner which causes or is likely to cause nuisance, harm wildlife or pets, or attract vermin. | Council land |
| 2B | A person shall not ride, lead or fly-graze any horse in a park or open space except where a permissive or public right exists without express consent of the Council. | Parks & Rights of Way |
| 3A | Bicycles, tricycles, scooters, other pedal or electric powered skateboard devices and skateboards must not be used in a manner which causes or is likely to cause a hazard, nuisance or damage. | Parks & Rights of Way |
| 3B | Bicycles, tricycles, other pedal or electric powered skateboards devices and skateboards are prohibited from being used in enclosed play or sports areas unless expressly permitted. | Parks |
| 3C | Bicycles, tricycles, scooters and other devices are prohibited from being chained or fastened to trees. | Parks & Highways |
| 4A | It is prohibited to light a fire, barbeque (including disposable barbeques) or stove of any type or other except where approved for an event with the express consent of the Council. | Parks |
| 4B | No person shall place, throw or drop any thing likely to cause a fire. | Parks |
| 4C | No person shall release a lighted sky lantern into the atmosphere. | Parks |
| 5A | Use of explosives and fireworks is prohibited except where approved for an event with express consent of the Council. | Parks |
| 5B | No person shall throw or use any device to propel or discharge any object which is liable to cause nuisance or injury to a person, animal or structure. | Parks |
| 6A | Drinking alcohol (other than in premises licenced for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person is prohibited. | Borough |
| 6B | Users must hand over any alcohol when required to do so by an authorised person who believes that the above condition will be breached. | Borough |
| 7A | Camping and overnight sleeping with or without tents is prohibited without the express consent of the Council. | Council land |
| 7B | Fishing without an Environment Agency rod licence is prohibited. | Parks |
| 7C | Day shelters or bivouacs with at least one completely open side are permitted when actively fishing where permitted for periods of not more than 24 hours and a maximum of one night in any period of seven consecutive days (beginning with the time at which the shelter was first erected). Shelters being used for sleeping will be treated as tents and are prohibited at all times without express consent. | Parks |
| 8A | No person shall launch, fly or land any power-driven aircraft other than of the approved type in a designated area without express consent. | Council land |
| 9A | No person shall kill, injure, take or disturb any animal; cut, damage or remove any plant; or dig into, damage or disturb the ground without express consent from the Council. | Council land |
| 9B | No person shall install any plant, tree or structure on the land without express consent from the Council. | Council land |
| 10A | Use of a golf club or golf ball is prohibited except on land set aside by the Council as a golf course or golf driving range. | Parks |
| 10B | Use of land for organised events, sports club training / matches or fitness training / classes is prohibited without a booking or other express consent from the Council. | Parks |
| 11A | Lewd or sexually explicit behaviour which is likely to cause harassment, alarm or distress to another person is prohibited. | Council land |
| 11B | Urination and defecation by any person is prohibited. | Borough |
| 12A | Motor vehicles and unpowered towed vehicles are prohibited to be on parks, highway land, footpaths or bridleways without express consent. | Council land |
| 13A | Advertising of any kind is prohibited without express consent of the Council. | Parks |
| 13B | Trading in any park is prohibited without express consent of the Council. | Parks |
| 13C | Using or creating an unauthorised entrance to an open space from a neighbouring property is prohibited. | Parks |
| 13D | Smoking is prohibited in any enclosed play or sports area. | Parks |
| 13E | Causing an unreasonable nuisance to other park users or neighbours is prohibited. | Parks |
| 13F | Obstructing a council officer from carrying out their duties is prohibited. | Parks |

**The proposed Public Spaces Protection Order conditions**

This section sets out the details of the proposed conditions, the location each applies to and the draft legal wording. Where changes or new suggestions are made, the background is outlined.

The draft wording may need to be amended depending on the consultation responses and which geographical areas the final prohibitions and requirements are to apply to in the Borough.

The general definitions used to describe the locations involved are as follows:

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| Borough | All land within the Council’s  administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads, footpaths, pavements, grass verges, alleyways and tow paths, allotments , and parks and open spaces, including wooded areas. |
| Council land | All open public land owned, adopted or managed by the London Borough of Richmond upon Thames including roads, footpaths, pavements, alley ways and towpaths, all grass verges, and parks and open spaces including wooded areas. |
| Highway | All roads, footpaths, pavements, alley ways, towpaths and grass verges maintained at public and private expense. |
| Land adjoining the highway | Land which adjoins footways, cycle tracks or carriageways, including grass verges. |
| Right of Way | A way over which the public have a right to pass and repass – on foot , on or leading a horse, on a pedal cycle or with a motor vehicle, depending on its status: Public Footpath, Public Bridleway, Byways Open to All Traffic and Road Used as a Public Path.  |
| Parks | All parks and open spaces, including commons, grounds and wooded areas, managed by the London Borough of Richmond upon Thames. Details of these sites can be found at [www.richmond.gov.uk/parks\_and\_open\_spaces](http://www.richmond.gov.uk/parks_and_open_spaces). |
| Open cemeteries | East Sheen Cemetery, Richmond Cemetery, Hampton Cemetery, Twickenham Cemetery, Old Mortlake Cemetery and Teddington Cemetery. |
| Closed cemeteries | Barnes Old Cemetery; Richmond Old Cemetery; St James’s Church, Hampton Hill; St Mary Magdalene, Richmond; St Mary the Virgin, Mortlake; St Mary with St Alban, Teddington; Vineyard Passage, Richmond. |
| Site specific | The order applies only to the areas and sites stated. |

Changes have been made to the location definitions since the consultation, following discussions with the Highways team, to improve consistency with how existing powers are used. The previous definitions focused on Council land but currently enforcement is undertaken on non-Council land as well in relation to dog fouling, litter and other offences.

* The definition of all Council-owned, adopted or managed land has been changed from “Borough” to “Council land”.
* “Borough” has been redefined to include all public space open to the air within the London Borough of Richmond upon Thames.
* The definition of “Highway” has been amended to include those maintained at private expense.
* The definition of “Highway Land” was broadened to include all adjoining land, irrespective of ownership.
* The definition of “Closed cemeteries” was reduced to those being included in proposal 1C.

**1. Dogs**

The following provisions are proposed to replace the existing Dog Control Orders:

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| **Proposal 1A** | Dog walkers must remove forthwith faeces left by any dog in their charge. |
| Where it will apply | Borough |
| Change from existing | No changes. All park litter bins can be used for disposal, not just dog bins. |
| Consultation results | 1130 responses to the public consultation. 78% of respondents agreed with the proposal. A further 10% agreed but with changes. The additional comments primarily asking for the re-wording of the proposal to clarify its meaning. Consultation with the local churchyards maintained by the Council under s.215 of the Local Government Act 1972 resulted in requests from five churches to be included in this proposal: St Mary’s, Richmond (including Vineyard Passage); St James’, Hampton Hill; St Mary’s, Twickenham; St Mary with St Alban, Teddington; St Mary’s, Mortlake. |
| Amendments / considerations after consultation | * Proposal now re-worded to clarify meaning.
* The proposal’s area of application was changed from just Council land to the all land open to the air in the borough, as this matches the current Dog Control Order.
* Assistance dogs have been excluded from the proposal.
 |
| Draft legal wording | 1. If a dog defecates at any time on any land detailed, a person who is in charge of the dog at that time must remove the faeces from the land forthwith, unless –
2. he has a reasonable excuse for failing to do so; or
3. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
4. 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.

(3) 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.(4) Nothing in this article applies to – (a)    a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or(b)    a person who is deaf, in respect of a dog trained by Hearing Dogs for Dead People (registered charity number 293358) and upon which that person relies for assistance; or(c)     a person who has a disability which affects that person’s mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.(d)    a person who is training an assistance dog in an official capacity.(e)    a dog used by the police or other permitted agencies for official purposes. |
| Recommendation | Proceed, with minor amendments. |

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| **Proposal 1B** | Dogs are excluded from Barn Elms (playing fields) at all times and Petersham Meadows between 1 April – 1 November. |
| Where it will apply | Barn Elms and Petersham Meadows. |
| Change from existing | Similar to the existing Dog Control Order but now applied to fewer sites.Alpha Road Gardens and Buckingham Road (fenced football area) are removed from any restriction as the prohibition is no longer required. The open cemeteries and Kings Field are changed to dogs on a lead only. |
| Consultation results | 1121 responses to the public consultation. 38% of respondents agreed with this proposal. 12% agreed if some changes were made, most commonly suggesting that dogs be permitted on leads in Petersham Meadows or were permitted within the specified period if livestock were not present. 30% disagreed with the proposal, 20% didn’t know or had no opinion. |
| Amendments / considerations after consultation | * Leave out the south side of Barn Elms.
* Assistance dogs have been excluded from the proposal.
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| Draft legal wording | 1. A person in charge of a dog must not, at any time, take the dog onto, or permit the dog to enter or to remain on, any land detailed, unless –
2. 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 failing to do so.(2) Nothing in this article applies to – (a)    a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or(b)    a person who is deaf, in respect of a dog trained by Hearing Dogs for Dead People (registered charity number 293358) and upon which that person relies for assistance; or(c)     a person who has a disability which affects that person’s mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.(d)    a person who is training an assistance dog in an official capacity.(e)   a dog used by the police or other permitted agencies for official purposes. |
| Recommendation | Proceed. |

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| **Proposal 1C** | Dogs must be on leads at Crane Park Island, Leg o’ Mutton Reservoir, Terrace Gardens, York House Gardens (including Champions Wharf), Kings Field, Diamond Jubilee Gardens, Ham Common Pond, Kew Pond, Barnes Pond, Sheen Common Pond, open cemeteries and closed cemeteries. |
| Where it will apply | Site specific |
| Change from existing | Crane Park Island and Leg o’ Mutton Reservoir remain protected areas as at present to protect wildlife from disturbance or harm.Terrace Gardens and York House Gardens (with a new specific reference to Champions Wharf) remain protected due to their horticultural and heritage value.The open cemeteries and Kings Field are downgraded from excluded sites.The closed cemeteries maintained by the Council on behalf of the Church are suggested new additions and we will be consulting with the dioceses and churches on this aspect.Diamond Jubilee Gardens is a suggested addition due to the unfenced sand play area.The ponds are suggested additions to protect wildlife on the water and in the margins from disturbance or harm. The order is proposed to apply inside the fence at Kew Pond and Sheen Common Pond, inside the path around the pond on Barnes Green and within 5m of Ham Common pond. |
| Consultation results | 1128 responses to the public consultation. 43% agreed with the proposal. 18% agreed if some changes were made, though with many people not actually suggesting a change and no particular repeat themes raised in the free text box; suggestions did include prohibiting the use of extendable leads (due to the fact that dogs could still stray into sensitive areas or the leads could cause problems for other users), adding Sheen Common pond to the Order, and that the Leg o’ Mutton Reservoir restrictions could be eased. A question was also raised as how the proposal would be enforced around the ponds. 28% disagreed with the proposal; 11% had no opinion.Consultation with the local churchyards maintained by the Council under s.215 of the Local Government Act 1972 resulted in requests from four churches to be included in this proposal: St Mary’s, Richmond (including Vineyard Passage); St James’, Hampton Hill; St Mary with St Alban, Teddington; St Mary’s, Mortlake. |
| Amendments / considerations after consultation | * Added Sheen Common pond as suggested in consultation.
* How the enforcement boundary around the ponds can best be set has been discussed.
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| Draft legal wording | 1. A person in charge of a dog on any land detailed must, at all times, keep the dog on a lead, unless –
2. 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. |
| Recommendation | Proceed. |

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| **Proposal 1D** | The maximum number of dogs in a person’s charge is four unless in possession of a valid licence issued by the Council permitting up to six dogs. |
| Where it will apply | Parks and Highway |
| Change from existing | It is proposed to reduce the current maximum of six dogs to four. This is due to the rise in the number of multiple dog walkers using Richmond’s public spaces in recent years. The majority of neighbouring areas to Richmond and the Royal Parks within the borough have limits of four dogs. The impacts of this are problems that mainly stem from a lack of ability to control several dogs at once or from very large groups of dogs where two or more dog walkers walk together. |
| Consultation results | 1124 responses to the public consultation. 59% of respondents disagreed with the proposal. 36% agreed and 3% would agree following changes.In terms of added comments, 251 people wanted the number to remain at six or had concerns about the maximum number being reduced to four – many due to the impact on professional dog walking businesses and dog welfare, and many others suggesting that there were no negative impacts of walking six dogs. 88 people emphasised the need to ensure dogs were under control or that the number in a person’s sole charge be dependent on their control. 58 people explicitly supported the reduction to a maximum of four dogs, many citing lack of control as the key factor. 34 people expressed support for a licensing/regulation scheme and the targeting of those not complying. 25 people mentioned multiple walkers with six dogs coming together to create large packs that were intimidating.One theme that came across throughout the dog section of the survey was the strong feeling that lack of enforcement of the current rules was a key problem. This was particularly raised in relation to proposal 1D.In addition to the public consultation survey responses, the Council received a petition with c.1740 signatures, 1363 emails and 228 letters asking for the limit to remain at six dogs. |
| Amendments / considerations after consultation | * In light of the mixed results, it was agreed that the limit should be reduced to four as proposed but with a licensing scheme introduced for residents or professional dog walkers who are based in the borough to still walk up to six dogs.
* A maximum of fifteen licences will be available with strict conditions and a rigorous application process. Conditions are likely to be based on the similar scheme in Wandsworth and will include possessing insurance. Applicant’s understanding will of the measures in place will be tested during the application process. The scheme will be discussed with interested parties in advance of implementation.
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| Draft legal wording | 1. A person must not take more than four (4) dogs at the same time onto the landdetailed, 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. |
| Recommendation | Make order at four dogs and introduce licensing scheme that permits an increase to six dogs, subject to further liaison with dog walking stakeholders. |

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| **Proposal 1E** | Dogs are not permitted within play or sports areas enclosed by fences or hedges (including playgrounds, Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks). |
| Where it will apply | Parks |
| Change from existing | Dogs are currently excluded from fenced playgrounds under the Dogs Exclusion Order 2007. This provision has now been separated and described in more detail for clarity.  |
| Consultation results | 1123 responses to the public consultation. 72% of respondents agreed with the proposal. 12% agreed subject to some changes – the most common suggestion was for dogs to be permitted in these locations if on a lead. A small number asked for clarification around the definition of ‘enclosed’ and whether this related to unfenced pitches. |
| Amendments / considerations after consultation | * Re-worded to clarify the meaning of ‘enclosed’.
 |
| Draft legal wording | 1. A person in charge of a dog must not, at any time, take the dog onto, or permit the dog to enter or to remain on, any land detailed, unless –
2. 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 failing to do so. |
| Recommendation | Proceed. |

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| **Proposal 1F** | Dog walkers must ensure any dog in their charge is under proper control and does not cause annoyance to any person or animal. Damage to any Council structure, equipment, tree, plant or turf is prohibited. |
| Where it will apply | Borough |
| Change from existing | This requirement is suggested to improve enforcement of the existing byelaw requiring dogs to be under “proper control” and introduces the possibility of using a Fixed Penalty Notice as well as prosecution. This offence is designed to deal with persistent minor matters. More serious circumstances – such a dog dangerously out of control, injuring another dog or a person – would likely be dealt with under section 3 of the Dangerous Dogs Act; this legislation applies to all breeds, not just those banned under the Act. |
| Consultation results | 1127 responses to the public consultation. 63% of agreed with the proposal; a further 19% agreed if some changes were made. Overwhelmingly, the changes proposed suggested greater clarity of the definition of “annoyance”, indicating the term was too vague and subjective. A number also requested removing turf and plants from the proposal terms, saying it was expected behaviour of dogs. |
| Amendments / considerations after consultation | * Reworded to put onus on dog walker to retain control.
* The definition of annoyance was discussed but ultimately it was felt to be the best fit. To assist, the wording ‘proper control’ has been added, mirroring the existing byelaw.
* Removing “plant or turf” from the proposal was discussed but it was considered an important aspect; it is not intended to be used against typical behaviour.
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| Q&A | Q: What is the definition of proper control?A: The Council defines proper control as a dog being on a lead or muzzled if the dog requires it, or otherwise being at heel / close enough to its owner that it can be restrained if necessary or responding immediately to voice commands. |
| Draft legal wording | 1. A person in charge of a dog on any land detailed in Schedule 6 below must not cause or permit the dog to –
2. cause annoyance to any other person or animal; or
3. cause damage to any Council structure, equipment, tree, shrub, plant, turf or other such Council property.
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| Recommendation | Proceed with minor amendment. |

**2. Other animals**

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| **Proposal 2A** | Birds and animals must not be fed in a manner which causes or is likely to cause nuisance, harm wildlife or pets, or attract vermin. |
| Where it will apply | Council land |
| Change from existing | Currently dealt with ineffectively via littering legislation, this provision is suggested not to stop the typical enjoyment of feeding pigeons or ducks but is directed at individuals tipping large quantities of food at once, which attracts large numbers of birds and animals for long periods as well as vermin, or the feeding of inappropriate food that could cause harm. The Council is also keen to raise awareness that bread is harmful to ducks and pigeons. |
| Consultation results | 1118 responses to the public consultation. 73% supported the proposal. 12% agreed pending changes; the most common added comments suggested clarification was needed regarding “nuisance or harm” and that education is needed around bread not being suitable food for birds. |
| Amendments / considerations after consultation | * Proposal re-worded to clarify meaning around “nuisance and harm”.
* Signage to be put up regarding duck food at key locations.
* Location title changed to Council land from Borough (the definition remains the same).
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| Draft legal wording | Birds and animals must not be fed in a manner which causes or is likely to cause nuisance, harm wildlife or pets, or attract vermin. |
| Recommendation | Proceed. |

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| **Proposal 2B** | A person shall not ride, lead or fly-graze any horse in a park or open space except where a permissive or public right exists without express consent of the Council.  |
| Where it will apply | Parks and Rights of Way |
| Change from existing | An existing byelaw already prohibits horse riding in open space areas where no public rights to exercise horses exist. This suggested provision translates the byelaw into a Public Spaces Protection Order. |
| Consultation results | 1114 responses to the public consultation. The proposal was supported by 59% of respondents. 13% agreed pending some changes. 31 people questioned whether dung removal was really required, citing impracticalities and the fact it is good fertiliser. 16% disagreed with the proposal. |
| Amendments / considerations after consultation | * The proposal has been re-worded to make it clearer.
* The requirement to remove dung has been removed and this will dealt with in a different way on the conservation sites where it poses a problem.
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| Draft legal wording | 1. No person shall ride, lead or graze a horse except:
2. in the exercise of a lawful right or privilege;
3. with the express prior written consent of the Council.
 |
| Recommendation | Proceed with re-worded proposal. |

**3. Bicycles and similar**

In this part:

* “Self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.
* “Electric powered vehicle or skateboard” means a vehicle other than an invalid carriage or pram which is propelled by one or more electric motors.

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| **Proposal 3A** | Bicycles, tricycles, scooters, other pedal or electric powered skateboard devices and skateboards must not be used in a manner which causes or is likely to cause a hazard, nuisance or damage. |
| Where it will apply | Parks and Rights of Way |
| Change from existing | An existing byelaw currently prohibits bicycles and other devices in open spaces except where expressly permitted, but this is out of date and counter to promoting healthy recreation and green travel. Instead, this provision is proposed to encourage responsible use of bikes and similar in parks and on Rights of Way. Inconsiderate cycling on paths is a common complaint received by the Council and we advocate giving way to pedestrians. |
| Consultation results | 1113 responses to the public consultation. 80% supported the proposal. 10% agreed pending changes. 34 people asked for greater enforcement action against cyclists, several referring to riding on pavements which is outside the scope of this proposal as it relates only to Parks and Rights of Way.  |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall cycle skate, slide or ride on bicycles, tricycles, skateboards, scooters, or other self-propelled vehicle or electric powered vehicle or skateboard in such a manner as to cause danger or damage or give reasonable grounds for annoyance or nuisance to other persons. |
| Recommendation | Consider amendments and proceed. |

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| **Proposal 3B** | Bicycles, tricycles, other pedal or electric powered skateboards devices and skateboards are prohibited from being used in enclosed play or sports areas unless expressly permitted. |
| Where it will apply | Parks |
| Change from existing | This is a new provision; whilst the byelaw on use of bicycles and other devices being relaxed, the Council believes that preventing useage of such devices within enclosed pay and sports areas is important for preventing nuisance and injury. |
| Consultation results | 1112 responses to the public consultation. 61% agreed with the proposal. 15% agreed pending some changes. 17% disagreed with the proposal. Comments received included 30 people suggesting that children riding bicycles / skateboards – especially those learning – should be permitted within enclosed play or sports areas.  |
| Amendments / considerations after consultation | * Scooters removed as concession to children using devices inside play areas.
* “Unless expressly permitted” added to proposal to take account of parks where a facility may be created for such devices within fenced areas – e.g. the Play Road at Chase Green.
 |
| Draft legal wording | No person shall cycle skate, slide or ride on bicycles, tricycles, skateboards or other self-propelled vehicle or electric powered vehicle or skateboard except scooters within the boundaries of an area designated as a children’s play area or as a sports playing area. |
| Recommendation | Proceed with amended proposal. |

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| **Proposal 3C** | Bicycles, tricycles, scooters and other devices are prohibited from being chained or fastened to trees. |
| Where it will apply | Parks and Highway |
| Change from existing | This new provision is designed to prevent damage to trees and user facilities from chained up bicycles or similar. It will also prevent use of such facilities or passage along the highway from being restricted by inconsiderately fastened devices. |
| Consultation results | 1115 responses to the public consultation. 58% supported the proposal. 20% agreed pending some changes. 16% disagreed with the proposal. 70 people commenting asked for additional places to safely park / lock bikes or raised the lack of suitable places. |
| Amendments / considerations after consultation | * Requirement not to fasten devices to street furniture removed in recognition of the lack of cycle parking and that other powers can be used to deal with obstruction of the highway.
* Opportunities to increase cycle parking in parks will be explored.
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| Draft legal wording | (1) No person shall cause any bicycle, tricycle, skateboard, scooter, or other self-propelled vehicle or electric powered vehicle or skateboard to be chained or fastened to any tree. |
| Recommendation | Proceed with amended proposal. |

**4. Fires and barbeques**

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| **Proposal 4A** | It is prohibited to light a fire, barbeque (including disposable barbeques) or stove of any type or other except where approved for an event with the express consent of the Council. |
| Where it will apply | Parks |
| Change from existing | This provision reflects current policy but there is no legal enforcement. A prohibition against fires is included in more modern byelaw models but Richmond’s pre-date its inclusion. This provision would remedy this. |
| Consultation results | 1114 responses to the public consultation. 71% agreed with the proposal. 10% agreed, with some changes. 13% disagreed. 27 respondents suggested setting up barbeque areas or structures. 14 people supported barbeques where they were being used safely and responsibly. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall light a fire, barbeque (including disposable barbeques) or stove of any type without the express written consent of the Council.  |
| Recommendation | Proceed as per proposal. |
| **Proposal 4B** | No person shall place, throw or drop any thing likely to cause a fire. |
| Where it will apply | Parks  |
| Change from existing | Similar to 4A, this provision is included in more modern byelaw models but Richmond’s pre-date its inclusion. This provision would remedy this. |
| Consultation results | 1113 responses to the public consultation. 86% supported the proposal. 3% disagreed. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall place, throw, or drop any thing likely to cause a fire. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 4C** | No person shall release a lighted sky lantern into the atmosphere. |
| Where it will apply | Parks |
| Change from existing | This is a new provision for the borough. Sky lanterns, also known as Chinese lanterns, have been the cause of several significant fires nationally and pose risks to property, countryside, trees and livestock when they land whilst still alight in addition to the potential impact on the environment. The Department for Communities and Local Government has developed model wording for local authorities to adopt as part of the byelaw set. |
| Consultation results | 1114 responses to the public consultation. 68% supported the proposal. 11% agreed, pending some changes. 12% disagreed. 11 respondents expressed specific support through comments, with some suggesting use be licensed. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall release a lighted sky lantern from the land. |
| Recommendation | Proceed as per proposal. |

**5. Fireworks and missiles**

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| **Proposal 5A** | Use of explosives and fireworks is prohibited except where approved for an event with express consent of the Council. |
| Where it will apply | Parks |
| Change from existing | It is already an offence under section 80 of the Explosives Act 1875 to use fireworks in any highway or public place. A penalty notice for disorder for persons aged 18 or over can be given by the police. Translating this into a Public Spaces Protection Order will strengthen enforcement through Council officers and reduce the risk and litter from unauthorised fireworks. |
| Consultation results | 1113 responses to the public consultation. 72% support the proposal. 9% supported the proposal pending suggested changes. 13% disagreed. 45 people were in favour of prohibiting or regulating the use of fireworks; 16 people were in favour of responsible firework use. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall set off fireworks unless part of a licensed display. |
| Recommendation | Proceed as per proposal  |

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| **Proposal 5B** | No person shall throw or use any device to propel or discharge any object which is liable to cause nuisance or injury to a person, animal or structure. |
| Where it will apply | Parks |
| Change from existing | This proposed provision is new to the borough and is taken from the DCLG model byelaws. |
| Consultation results | 1113 responses to the public consultation. 85% supported the proposal. |
| Amendments / considerations after consultation | * Adding fireworks to 5B and making 5A redundant was considered, but it was thought clearer for these to remain separate.
 |
| Draft legal wording | No person shall throw or use any device to propel or discharge any object which is liable to cause nuisance, injury or damage to any other person, animal or structure. |
| Recommendation | Proceed as per proposal. |

**6. Alcohol**

With Public Spaces Protection Orders replacing the alcohol restrictions within Designated Public Place Orders, the provisions below are designed to replicate and strengthen this function across the borough.

These powers do not make it criminal offence to consume alcohol in public places and are not designed to disrupt peaceful activities, for example having a glass of wine with friends in a park. The aim of the provision is only to enable challenge of alcohol consumption where individuals are causing a nuisance.

In this part, an “authorised person” means a Local Authority Employee, a person designated by the Local Authority, a Police Officer or a Police Community Support Officer.

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| **Proposal 6A** | Drinking alcohol (other than in premises licenced for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person is prohibited. |
| Where it will apply | Borough |
| Change from existing | Designed to replicate and strengthen the powers available until October 2017 through Designated Public Place Orders, when they are replaced by Public Spaces Protection Orders, this provision is only aimed at those causing a nuisance. Complaints about anti-social behaviour in public places accompanied by alcohol consumption are received regularly by the Council throughout the borough.  |
| Consultation results | 1117 responses to the public consultation. 63% agreed with the proposal. 15% agreed, with some changes. 15% disagreed with the proposal. 8% did not know or had no opinion. 37 people supported people drinking as long as they are responsible. 30 people raised issues around how this would be enforced and who would be an authorised person. 21 people agreed that the order should apply to people acting inappropriately through alcohol. |
| Amendments / considerations after consultation | * Clarify that only police officers and specifically permitted Council officers will be an authorised officer.
* The definition of “Borough” was redefined to include all public space open to the air within the borough.
 |
| Draft legal wording | No person shall drink alcohol (other than in a premises licensed for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person. |
| Recommendation | Proceed. |

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| **Proposal 6B** | Users must hand over any alcohol when required to do so by an authorised person who believes that the above condition will be breached. |
| Where it will apply | Borough |
| Change from existing | Designed to replicate and strengthen the powers available until October 2017 through Designated Public Place Orders, when they are replaced by Public Spaces Protection Orders. Complaints about anti-social behaviour in public places accompanied by alcohol consumption are received regularly by the Council throughout the borough. |
| Consultation results | 1114 responses to the public consultation. 60% agreed with the proposal. 15% agreed, with some changes. 16% disagreed. 9% did not know or had no opinion. Similar to above, 30 people raised issues around how this would be enforced and who would be an authorised person. 21 people agreed that the order should apply to people acting inappropriately through alcohol. |
| Amendments / considerations after consultation | * Clarify that only police officers and specifically permitted Council officers will be an authorised officer.
* The definition of “Borough” was redefined to include all public space open to the air within the borough.
 |
| Draft legal wording | A person is required to immediately surrender any alcohol, whether in an open or closed container, in his possession when required to do so by an authorised person who reasonably believes that the person has consumed, is consuming, or intends to consume alcohol in breach of the prohibition at 6A above. |
| Recommendation | Proceed as per proposal. |

**7. Camping, fishing and overnight sleeping**

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| **Proposal 7A** | Camping and overnight sleeping with or without tents is prohibited without the express consent of the Council. |
| Where it will apply | Council land |
| Change from existing | The use of tents for camping is prohibited under the existing park byelaws. This proposed provision adopts the wider definition used in modern versions of the byelaws and also extends it to sleeping without cover and over the whole borough. Camping in public spaces causes issues with litter, toileting, disturbance and intimidation.It is important to note that this proposed provision is not for use with people who are homeless. The borough already has a multi-agency process (Rough Sleepers Initiative) in place to engage with homeless individuals, working to help their welfare and support them where possible. Using penalty notices and moving people on – usually only to different public spaces – would severely hinder this process. Where a homeless person is sleeping in an inappropriate location and engagement has not resolved the situation, the Council uses a different legal process over a longer time scale to require them to move. |
| Consultation results | 1118 responses to the public consultation. 64% agreed with the proposal. 12% agreed pending some changes. 16% disagreed with the proposal. 33 respondents expressed concern about how this proposal may affect people who are homeless. 10 people were in favour of camping or in favour under certain circumstances. |
| Amendments / considerations after consultation | * Location title changed to Council land from Borough (the definition remains the same).
 |
| Draft legal wording | No person shall camp or sleep overnight with or without a tent, or using a vehicle, caravan or any other structure [in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise] without the express prior written consent of the Council. |
| Recommendation | Proceed. |

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| **Proposal 7B** | Fishing without an Environment Agency rod licence is prohibited. |
| Where it will apply | Parks |
| Change from existing | This is already an offence under section 27 of the Salmon and Freshwater Fisheries Act 1975, enforceable by Environment Agency staff and the police who may issue an FPN under section 37A. Enacting this as part of a Public Spaces Protection Order will enable Council officers to also check for rod licences where fishing occurs in parks. |
| Consultation results | 1113 responses to the public consultation. 75% agreed with the proposal. 8% agreed, with some changes. 12% did not know or had no opinion. 6% disagreed. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall fish unless in possession of a valid rod licence. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 7C** | Day shelters or bivouacs with at least one completely open side are permitted when actively fishing where permitted for periods of not more than 24 hours and a maximum of one night in any period of seven consecutive days (beginning with the time at which the shelter was first erected). Shelters being used for sleeping will be treated as tents and are prohibited at all times without express consent.  |
| Where it will apply | Parks |
| Change from existing | This reflects current policy but there is no legal enforcement. The aim of this provision is to prevent long periods of fishing and camping taking place disguised as fishing. Long stays on site produce issues with litter, toileting, disturbance and intimidation. |
| Consultation results | 1113 responses to the public consultation. 62% agreed with the proposal. 10% agreed, with some changes. 11% disagreed. 18% did not know or had no opinion. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall erect or use any bivouacs, day shelters or other similar structures that are completely open on at least one side while engaged in active fishing at designated sites for a period exceeding 24 hours beginning with the time at which the structure was first erected.No person shall erect or use any such structure at the same site until a full period of 7 consecutive days have passed beginning with the day on which the structure was first erected.No person shall erect or use such structures for the purpose of overnight sleeping unless actively fishing. |
| Recommendation | Proceed as per proposal. |

**8. Aircraft including drones**

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| **Proposal 8A** | No person shall launch, fly or land any power-driven aircraft other than of the approved type in a designated area without express consent from the Council. |
| Where it will apply | Council land – with the exception of the designated area at Old Deer Park for combustion powered control line aircraft weighing under 7kg. |
| Change from existing | The borough’s existing open space byelaws permit use of only model aircraft under 5kg which are combustion-powered and on a control line at the designated area in Old Deer Park, Richmond. All other aircraft use is prohibited.Legislation already exists which is enforceable by the Civil Aviation Authority (CAA) which prohibits the flying of aircraft (that weigh less than 20 kg) within 150 metres of a congested area and 50 metres of a person, vessel, vehicle or structure not under the control of the pilot. Adding this proposed provision to the PSPO and extending it to the Highway strengthens enforcement to help manage increasing drone activity. The Council is concerned that the vast majority of the borough’s highways and parks are uncontrolled environments that would rarely provide the safe space needed away from people, vehicles, structures or wildlife. In addition, the borough is located on the flight path inside Heathrow’s controlled airspace.The Council is aware of the current CAA and Department for Transport consultation on the use of drones and will monitor the outcome in relation to the proposed provision. |
| Consultation results | 1118 responses to the public consultation. 68% agreed with the proposal. 11% agreed, with some changes. 13% disagreed. 28 people commented that would like to see use of drones or similar banned or controlled due to problems caused. 20 people indicated drones should be permitted where being used responsibly. 19 people indicated there should be an area in the borough for drones. 9 people said this would negatively affect children using small devices. |
| Amendments / considerations after consultation | * Exempting smaller craft up to 250g was considered; however, some of these ‘toys’ still have large ranges and high speeds.
* Allowing drone use at one location was considered but ruled out at this time.
* Recent consultation held by Department for Transport may change national context.
* Location title changed to Council land from Borough (the definition remains the same).
 |
| Q&A | Q: Are companies filming in Richmond still permitted to use drones?A: Users of commercial drones for filming or photography should apply to filmrichmond via <http://www.richmond.gov.uk/filmrichmond>.  |
| Draft legal wording | (1) In this Part: “model aircraft” means any ‘Small Unmanned Aircraft’ used for sporting and recreational purposes which weighs not more than 20 kilograms without its fuel; “power-driven” means driven by:1. the combustion of petrol vapour or other combustible substances;
2. jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
3. one or more electric motors or by compressed gas.

 “radio control” means control by a radio signal from a wireless transmitter or similar device(2) No person except as provided by section (3) shall cause any power-driven model aircraft to:1. take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
2. land in the ground without reasonable excuse

other than in a designated area for flying model aircraft.(3) Where any part of a ground has been set apart by the Council for the flying of power-driven model aircraft, no use of such is permitted unless – 1. the aircraft weighs not more than 7kg without its fuel;
2. the aircraft is driven by the combustion of petrol vapour or other combustible vapour or other combustible substances;
3. gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
4. where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.
 |
| Recommendation | Proceed as per proposal, once clarified. |

**9. Wildlife and environmental protection**

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| **Proposal 9A** | No person shall kill, injure, take or disturb any animal; cut, damage or remove any plant; or dig into, damage or disturb the ground without express consent from the Council. |
| Where it will apply | Council land |
| Change from existing | Elements of (b) and (c) are contained within the existing park byelaws. It is proposed to extend protection to wildlife and wider areas to safeguard the environment in other public places and enable penalty notices to be issued. |
| Consultation results | 1115 responses to the public consultation. 78% agreed with the proposal. 12% agreed, with some changes. 6% disagreed. 30 people felt that it should be permitted to remove or cut plants / weeds or forage for wild food, e.g. blackberries. 15 people mentioned that voluntary groups / authorised persons should have permission to remove weeds and assist with the upkeep of public spaces. 12 people were concerned about the impact the proposal could have on children. |
| Amendments / considerations after consultation | * Amended to include “without express consent from the Council” in order to provide a clear option for authorising activities.
* Location title changed to Council land from Borough (the definition remains the same).
 |
| Draft legal wording | 1. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.
2. No person shall cut, damage or remove any plant, shrub or tree.
3. No person shall dig into, damage or disturb the ground or remove or displace any stone, soil or turf.
 |
| Recommendation | Proceed as per amended proposal. |

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| **Proposal 9B** | No person shall install any plant, tree or structure on the land without express consent from the Council. |
| Where it will apply | Council land |
| Change from existing | The part relating to structures replicates in part an existing park byelaw. The new part of the provision is to prevent inappropriate or invasive planting which damages the landscape or nature conservation. It is proposed to extend protection to wider areas to safeguard the environment in other public places. |
| Consultation results | 1116 responses to the public consultation. 62% supported the proposal. 17% agreed, with some changes. 13% disagreed.  |
| Amendments / considerations after consultation | * Location title changed to Council land from Borough (the definition remains the same).
 |
| Draft legal wording | 1. No person shall plant any tree, shrub or plant on the land without the express prior written consent of the Council;
2. No person shall erect or install any post, rail, fence, pole, tent, booth, stand, building or other structure without the express prior written consent of the Council.
 |
| Recommendation | Proceed as per proposal. |

**10. Sport and events**

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| **Proposal 10A** | Use of a golf club or golf ball is prohibited except on land set aside by the Council as a golf course or golf driving range. |
| Where it will apply | Parks |
| Change from existing | This new proposed provision prevents damage to property and injury to users from the playing of golf in parks.  |
| Consultation results | 1115 responses to the public consultation. 73% agreed with this proposal. 7% agreed, with some changes. 12% disagreed.  |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall drive, chip or pitch a hard golf ball with a golf club except on land set aside by the Council as a golf course or golf driving range. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 10B** | Use of land for organised events, sports club training / matches or fitness training / classes is prohibited without a booking or other express consent from the Council. |
| Where it will apply | Parks |
| Change from existing | This new proposed provision is designed to tackle the unauthorised use of parks for organised sport and physical training. This can create conflicts with other users, damage the playing surface for paying organisations and avoids the booking systems in place to manage organised activities. The organiser will be the offender rather than the participants. |
| Consultation results | 1118 responses to the public consultation. 47% agreed with the proposal. 16% agreed, pending some changes. 29% disagreed with the proposal. 45 people commented in support of informal sport activity using public spaces as long as they are not causing a nuisance. 42 people were happy for this to extend to small fitness classes and running groups. 22 respondents felt that all (or those over a certain size) fitness groups / training sessions, sporting events, formal matches and other businesses that use public spaces should have a licence / pay a fee. 16 people were concerned about the impact on children. |
| Amendments / considerations after consultation | * The proposal fits with the majority of comments received and thus no amendment was considered necessary.
 |
| Draft legal wording | No person shall use any part of the ground for events, organised sports club training/ matches, fitness training / classes without the express prior written consent of the Council. |
| Recommendation | Proceed as per proposal. |

**11. Behaviour**

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| **Proposal 11A** | Lewd or sexually explicit behaviour which is likely to cause harassment, alarm or distress to another person is prohibited. |
| Where it will apply | Council land |
| Change from existing | This new proposed provision is aimed at stopping lewd or sexual behaviour in full view of the public. Witnessing such activity, and the litter left behind, is a regular complaint at a number of locations in the borough. The power is only intended to be used when activity takes place in locations likely to be observed by other users, such as where ground is open in nature or close to a public path.  |
| Consultation results | 1121 responses to the public consultation. 87% agreed with the proposal. 4% agreed, with some changes. 4% disagreed with the proposal. 22 respondents specifically raised the issue of lewd or sexual behaviour in Ham Lands as problem. 2 people raised the issue of a potential disproportionate negative impact on gay men or men who have sex with men. |
| Amendments / considerations after consultation | * The potential negative impacts on people on the basis of their sexual orientation was considered through an Equality Impact and Needs Analysis.
* Location title changed to Council land from Borough (the definition remains the same).
 |
| Draft legal wording | No person shall [in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise] engage in sexual activity or engage in Lewd or sexually explicit behaviour which is likely to cause harassment, alarm or distress to another person. |
| Recommendation | Proceed if lawful to do so. |

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| **Proposal 11B** | Urination and defecation by any person is prohibited. |
| Where it will apply | Borough |
| Change from existing | This is a new provision designed to help tackle people relieving themselves in public places, in order to address the complaints received about health and decency considerations. Officers will use their discretion over the circumstances and person involved. |
| Consultation results | 1119 responses to the public consultation. 69% agreed with the proposal. 18% disagreed with the proposal. 8% disagreed with the proposal. 105 people (9%) raised concerns over preventing people from urinating, especially in relation to children, the elderly or people with a medical condition). 55 people related the proposal to the need for more / absence of public toilets. |
| Amendments / considerations after consultation | * Removing urination from the order was considered but rejected – officers will have discretion on the circumstances in each case.
* The definition of “Borough” was redefined to include all public space open to the air within the borough.
 |
| Draft legal wording | No person shall urinate or defecate in any street or public place. This includes the doorway or alcove of any premises to which the public has access. |
| Recommendation | Proceed as per proposal. |

**12. Motor vehicles**

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| **Proposal 12A** | Motor vehicles and unpowered towed vehicles are prohibited to be on parks, land adjoining the highway, footpaths or bridleways without express consent.  |
| Where it will apply | Borough |
| Change from existing | Vehicles are prohibited on open spaces under the byelaws but not on land adjoining the highway. Unauthorised use of and damage from vehicles is a regular complaint received by the Council. Having this provision within the PSPO will allow more effective enforcement against this problem. The Council considered whether parking a vehicle on prohibited land should be a new offence in each 24 hour period; it is not included at this time but views are welcome on this point. |
| Consultation results | 1113 responses to the public consultation. 81% supported the proposal. 8% agreed, with some changes. 7% had no opinion. 4% disagreed. 9 people requested further clarification. 6 people asked how consent could be obtained. |
| Amendments / considerations after consultation | * Location title changed to Council land from Borough (the definition remains the same).
 |
| Draft legal wording | No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle, trailer or caravan without express prior written consent of the Council. |
| Recommendation | Proceed as per proposal. |

**13. General**

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| **Proposal 13A** | Advertising of any kind is prohibited without express consent of the Council. |
| Where it will apply | Parks  |
| Change from existing | This proposed provision reflects current policy but there is no legal enforcement. Advertising – including posters and notices, placards, boards and more – detracts from the aesthetic of parks and streetscape, causes damage to trees and structures and creates litter. Each week dozens of adverts are removed. Approving this provision will create a real deterrent. The Council does consent to some advertising connected with park functions with conditions on form and location. |
| Consultation results | 1116 responses to the public consultation. 63% agreed with the proposal. 13% agreed, with some changes. 13% disagreed. 11% had no opinion. 27 people expressed concern about the proposal, especially adverts that were non-commercial – i.e. lost pets or community events. |
| Amendments / considerations after consultation | * Land adjoining highways removed as a location – sufficient legislation already in place.
 |
| Draft legal wording | No person shall partake in advertising of any kind without the express prior written consent of the Council. Furthermore, a person or body whose goods, trade, business or other concerns are being given publicity by the advertising shall be deemed to have partaken in the advertising in addition to any person why physically partake sin the advertising. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 13B** | Trading in any park is prohibited without express consent of the Council. |
| Where it will apply | Parks |
| Change from existing | Trading within 7m of a highway currently requires a Street Trading Licence but rogue trading in parks is difficult to enforce against. Unauthorised traders such as ice cream vehicles cause problems for legal traders and damage to the ground at several parks in the borough. This proposed PSPO provision will create a better deterrent to those trading without consent. |
| Consultation results | 1119 responses to the public consultation. 67% agreed with the proposal. 11% agreed, with some changes. 12% disagreed. 10% had no opinion. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall without the express written consent of the Council provide or offer to provide any service for which a charge is made or engage in trading of any kind. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 13C** | Using or creating an unauthorised entrance to an open space from a neighbouring property is prohibited. |
| Where it will apply | Parks |
| Change from existing | This is a new provision; private entrances to public parks may be inappropriate and require a licence to be in place if approved to prevent private rights from being acquired. They are also regular locations for litter, dog fouling and garden waste. |
| Consultation results | 1111 responses to the public consultation. 69% agreed with the proposal. 9% agreed, with some changes. 11% disagreed. 12% had no opinion. |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall create or use a means of access into the [ground] from adjoining property. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 13D** | Smoking is prohibited in any enclosed play or sports area. |
| Where it will apply | Parks |
| Change from existing | This proposal reflects and extends the current policy for the borough’s park play areas which is communicated through signage but there is no legal enforcement. The Council is keen to make recreation areas as healthy as possible and protect users from the effects of second hand smoke. |
| Consultation results | 1114 responses to the public consultation. 80% agreed with the proposal. 6% agreed, with some changes. 7% disagreed. 7% had no opinion.  |
| Amendments / considerations after consultation |  |
| Draft legal wording | No person shall smoke tobacco, tobacco related products, smokeless tobacco products (Including electronic cigarettes), herbal cigarettes, or any illegal substances, within the boundaries of an area designated as a children’s play area or as a sports playing area. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 13E** | Causing an unreasonable nuisance to other park users or neighbours is prohibited. |
| Where it will apply | Parks |
| Change from existing | This proposal extends the current byelaw protection for park users to neighbours as well in order to better resolve problems of disturbance. |
| Consultation results | 1119 responses to the public consultation. 79% agreed with the proposal. 10% agreed, with some changes. 5% disagreed. 6% had no opinion. A number of comments indicated that the definition of the proposal was too broad. |
| Amendments / considerations after consultation | * The definition of unreasonable disturbance was discussed and it was considered necessarily broad to account for the wide range of activities that take place in parks. To be consistent with other powers the wording was changed from “disturbance” to “nuisance”.
 |
| Draft legal wording | A person shall not in the [ground] intentionally obstruct, disturb or annoy any other person in or using the ground or those in neighbouring properties adjoining the [ground]. |
| Recommendation | Proceed as per proposal. |

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| **Proposal 13F** | Obstructing a council officer from carrying out their duties is prohibited. |
| Where it will apply | Borough |
| Change from existing | A similar provision already exists for officers with respect to the byelaws and this proposal simply extends this to the Public Spaces Protection Order. |
| Consultation results | 1117 responses to the public consultation. 79% agreed with the proposal. 10% agreed, with some changes. 4% disagreed. 7% had no opinion. |
| Amendments / considerations after consultation | * To encompass all the measures proposed this provision was changed to applying to the “Borough” from just “Parks”.
 |
| Draft legal wording | No person shall obstruct any officer of the Council in the proper execution of his duties under this Public Spaces Protection Order. |
| Recommendation | Proceed. |