

PUBLIC NOTICE
PUBLIC SPACE PROTECTION ORDER – London Borough of Lewisham
December 2017

NOTICE IS HEREBY GIVEN THAT on the 6 December 2017 the London Borough of Lewisham in exercise of its powers pursuant to Part 4 of the Anti-Social Behaviour, Crime & Policing Act 2014 made a Public Space Protection Order (PSPO) to replace the current Dog Control Orders and Designated Public Place Orders. The PSPO will also introduce powers to prohibit the use of psychoactive substances and unauthorised encampments in public spaces, as well as extend existing dog control orders to include: Dogs on leads in all London Squares in Rushey Green, Dogs on leads 'zone' in Beckenham Place Park, and a dog free zone in Manor House Park.

The PSPO will come in to effect on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.

Any affected person may appeal this decision in a High Court within 6 weeks of the order being made.

Further information including related maps can be obtained at LBL Crime, Enforcement & Regulation Service, 9 Holbeach Road, Catford, SE6 4TW or by e-mail addressed to CER@Lewisham.gov.uk

LONDON BOROUGH OF LEWISHAM
ANTI SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014
PART 4, SECTION 59
PUBLIC SPACES PROTECTION ORDER

London Borough of Lewisham (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

1. This part of the Order applies to the public areas shown delineated by the black line on the plan annexed to this Order Annex 1 (the whole borough):

a) Alcohol Consumption

Any person who, without reasonable excuse, continues consuming alcohol in a public place when asked not to by a constable or an Authorised Officer commits an offence.

Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so by a constable or an authorised officer in a public place, commits an offence.

b) Psychoactive Substances

Any person who, without reasonable excuse, ingests, inhales, injects or smokes any substance which has the capacity to stimulate or depress the

central nervous system in a public place when asked not to by a constable or an authorised officer commits an offence.

Any person who, without reasonable excuse, fails to surrender any psychoactive substance in his possession when asked to do so by a constable or an authorised person in the Designated Area, commits an offence.

This prohibition does not apply where:

- i. The substance is used for a valid and demonstrable medicinal purpose;
- ii. The substance is given to an animal as a medicinal remedy;
- iii. The substance is a cigarette (tobacco) or vapouriser; or
- iv. The substance is a food product regulated by food, health and safety legislation.

c) Unauthorised encampments

Any person who, without reasonable excuse, occupies any vehicle, caravan, tent or other structure on public land owned or managed by the London Borough of Lewisham, without prior authorisation from the London Borough of Lewisham, commits an offence.

d) The Fouling of Land by Dogs

(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 as 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).

AREAS APPLIES TO -

Any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Lewisham.

e) Dogs on Leads by Direction

- (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.

AREAS APPLIES TO -

Any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Lewisham including but not limited to parks, public open spaces and highways.

f) Dogs Specified Maximum

On land to which this Order applies, the maximum number of dogs which a person may take onto that land is four (4).

- (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 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.

AREAS APPLIES TO -

This Order applies to all land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Lewisham

2. This part of the Order applies to the public areas as detailed below (the Restricted Areas):

g) Dogs Exclusion

(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 to 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 293358) 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; and
- (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).

AREAS APPLIES TO -

Children's play areas within parks, dens and open spaces, within the London Borough of Lewisham

Children's play areas on housing estates within the London Borough of Lewisham

Fenced sports areas within parks, gardens and open spaces within the London Borough of Lewisham

Devonshire Road NR

Garthorne Road NR

Dacres Wood LNR

Besson Street Multi Cultural Garden

Brookmill LNR

Queenswood NR (Sydenham Gardens)

Chinbrook Allotments

Grove Park Library Gardens

Hare & Billet Pond

Telegraph Hill Park – lower

Friendly Gardens – upper

Brookmill Park

Horniman's Play Park

Friendsbury Gardens

Broadway Fields – east of the river

Central Field in Mayow Park

Central Field in Northbrook Park

Cornmill Gardens – waterway link exempted
Manor House Gardens (area of park delineated red appendix IV)

h) The Dogs on Leads

(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.

AREAS APPLIES TO -

All roads within the all roads within the London Borough of Lewisham at all times (as defined by Section 142 of the Road Traffic Regulation Act 1984)

In Cemeteries and Crematoriums within the London Borough of Lewisham

Burnt Ash Pond LNR

Grove Park NR

Sydenham Cottages NR

London Squares green spaces within Rushey Green. (as per appendix II)

Beckenham Place Park (smaller area delineated red appendix III).

3. 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.

4. Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable to a Fixed Penalty Notice of up to £100 and failure to pay the fine may lead to summary conviction and a fine not exceeding level 3 on the Standard Scale.

5. This order will come into effect on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.