

The Proposed Public Spaces Protection Order (Borough Wide) (Harrow Council) 2016

Harrow Council (“The Authority”) has made the following Public Spaces Protection Order pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) having been satisfied on reasonable grounds that the activities set out (as offences) in this Order in the borough of Harrow (as delineated on the map at _____, and referred to as the ‘Designated area’ in this Order) have had or are likely to have a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried out in the area and have such an effect. The Authority is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the order.

The Order comes into force on TO BE CONFIRMED for a period of 3 years.

In this Order an “Authorised Officer” means any employee of the authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Authorised persons include “Authorised Officer of the Authority”, Police and PCSOs (Police Community Support Officer)

‘Designated area’ means the whole of the London Borough of Harrow encompassing the area delineated on the map.....

Offences

1. Prohibition of Alcohol Consumption

- 1.1. Any person who, without reasonable excuse, continues consuming alcohol in the Designated Area when asked not to continue to consume alcohol by an Authorised Officer, the Police or a PCSO commits an offence. For the avoidance of doubt, this does not apply to consuming alcohol in a premises licenced for the sale of alcohol or at a venue where a Temporary Event Notice is in effect).
- 1.2. Any person who, without reasonable excuse, fails to surrender any alcohol in their possession (whether in an open or closed container) when asked to do so by an Authorised Officer, the Police or a PCSO commits an offence.

Penalties

- 1.3. A person who commits an offence under this part of the Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of up to £100.

2. Urinating, defecating and spitting

2.1 Any person who, without reasonable excuse, urinates, defecates or spits within any public place within the designated area commits an offence.

2.2

Penalties

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

3. Dog Fouling

3.1 This article applies to all land within the designated area

3.2 If a dog defecates at any time on land in the designated area the person who is in charge of the dog at the time shall remove the faeces from the land forthwith, otherwise s/he commits an offence, unless:

- (a) They have 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

3.3 If a person who is in charge of a dog does not have or produce when requested by an Authorised Officer, the Police or a PCSO a receptacle for picking up dog faeces, without reasonable excuse, that person shall be guilty of an offence

3.4 For the purposes of this article:

- (a) 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;
- (b) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing faeces shall not be a reasonable excuse for failing to remove the faeces;
- (c) A receptacle is defined as any object capable of holding faeces for disposal. By way of guidance a trouser or coat or other pocket, a handbag, purse or sports bag is not such an item for this purpose.

Exemptions

Exemptions for Disabled People

3.5 The dog fouling provisions in this Order do not apply to a person who:

- (a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or

(d) has some other disability, such that he cannot reasonably be expected to remove the faeces.

3.6 For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

Exemption for Working Dogs

3.7 Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty’s armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting

Penalties

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

4. Smoking in Play Areas

4.1 This article applies to land specified in Schedule 2 of this Order

4.2 Any person smoking any tobacco or tobacco related product, smokeless tobacco product including electronic cigarettes or herbal cigarettes within the boundary of the children’s play areas within land specified within Schedule 2 of this Order commits an offence

Penalties

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

5. Driving over Footways, Footpaths and Verges

- 5.1 This article applies to any cycle lane, footway or footpath, maintainable at the public expense, any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths within the London Borough of Harrow, being shown in Schedule 1
- 5.2 Any person who, without reasonable excuse, drives over any cycle lane, footway or footpath, maintainable at the public expense, any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths shall commit an offence, unless:
- (a) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to do so
 - (b) The reason is for the purposes of emergency vehicles gaining access to, or attending to, an incident

Penalties

- 5.3 A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Schedule 1: Map of Borough



Schedule 2:

Parks and Open Spaces in the London Borough of Harrow

Key Parks	Parkland	Open Spaces
Centenary Park	Alexandra Park	Brockhurst Corner
Harrow Recreation Ground	Bernays Gardens	Churchfields
Headstone Manor	Byron Recreation Ground	Croft
Kenton Recreation Ground	Cedars O.S.	Elms Road Open Space
Lowlands Recreation Ground	Chandos Recreation Ground	Greenway
Pinner Memorial Park	Harrow Weald Recreation Ground	Grove Fields
Roxeth Recreation Ground	Hatch End Playing Fields	Lake Grove
West Harrow Recreation Ground	Hooking Green	Little Common Pinner
	John Rumney	Little Common Stanmore
	Melbourne Ave	Lynwood Close Open Space
	Montesoles P.F.	Newton Park East
	Priestmead Recreation Ground	Newton Park West
	Queensbury Recreation Ground	Pinner Recreation Ground
	Rayners Mead	Pinner Village Gardens
	Roxbourne Park	Ridgeway Playing Fields
	Shaftesbury P.F.	River Pinn Open Space
	Stanmore Marsh	Streamside
	Stanmore Recreation Ground	Whitchurch Playing Fields
	Weald Village	Whitefriars Open Space
		Woodlands
		Yeading Walk