

Public Spaces Protection Order

CITY OF WESTMINSTER

Anti-Social Behaviour, Crime and Policing Act 2014

City of Westminster Dog Control Public Spaces Protection Order 2021

The Council of the City of Westminster, in exercise of its powers under sections 59, 63 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) and all other enabling powers, hereby makes the following order:

1. This Order comes into force on 25 June 2021 and ends on 24 June 2024 unless extended under Section 60 of the Act.
2. This Order applies to the public spaces described in the Schedules to this Order (“the restricted areas”).
3. The Council is satisfied that the two conditions below have been met, in that -
 - (i) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - (ii) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
4. The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times:
 - (i) **Exclusion**
 - (1) A person in charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or to remain on land within the restricted area referred to in **Schedule 1** of this Order unless -
 - (a) that person 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 that person failing to do so; or
 - (c) is subject to the exemptions listed in **Schedule 1**.
 - (2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(ii) Leads (Westminster Cathedral Area)

(1) A person in charge of a dog, at any time, must keep the dog on a lead in the restricted area detailed in **Schedule 2** of this Order unless –

- (a) that person 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 that person failing to do so.

(2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(iii) Leads by Direction

(1) A person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in the restricted area detailed in **Schedule 3** of this Order unless -

- (a) that person 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 that person failing to do so.

(2) For the purposes of this article –

- (i) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (ii) An authorised officer of the Authority may only give a direction under this article 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 or the worrying or disturbance of any other animal or bird on any land to which this article applies.

(iv) Leads

(1) A person in charge of a dog, at any time, must keep the dog on a lead in the restricted area detailed in **Schedule 4** of this Order unless –

- (a) that person 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 that person failing to do so.

(2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(v) Fouling

(1) If a dog defecates at any time on land in the restricted area detailed in **Schedule 5** of this Order and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -

- (a) that person has a reasonable excuse for failing doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so; or
- (c) is subject to the exemptions listed in **Schedule 5**.

(2) For the purposes of this article –

a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

5. Penalty

Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at Articles 4 (i), (ii), (iii), (iv) and (v) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

6. Fixed Penalty

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 (or £75 if paid within 7 days), failing which they may be prosecuted.

7. Appeals

Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash or vary the Order.

Dated: 24 June 2021

RESTRICTED AREAS

SCHEDULE 1

1. This Order shall apply to the areas of land in Queen's Park Ward shown shaded red on Map 1 attached to this Order, brief descriptions of which (for the purposes of identification but not delineation) are as follows:
 - (i) Children's playgrounds in Avenue gardens and Selby Square
 - (ii) Children's playground and wildlife garden in Queen's Park gardens
 - (iii) Rose Garden in Queen's Park Gardens
 - (iv) Multi use sports area in Queen's Park Gardens
 - (v) Multi use sports area at Jubilee Sports Centre
 - (vi) Lawn/grassed area in centre of Queen's Park Court
 - (vii) Harrow Road Open Spaces
 - (viii) Lawn/grassed area behind Lawes House

2. This Order shall apply to the areas of land in Churchill Gardens Estate shown shaded red on Map 2 attached to this Order, brief descriptions of which (for purposes of identification but not delineation) are as follows:
 - (i) Children's playgrounds behind Elgar House and Anson House
 - (ii) Sports areas/football pitches in front of Chippendale House, Bramwell House and Coleridge House
 - (iii) Sports area/Agora football pitch and playground behind Churchill Gardens Youth Club
 - (iv) Garden areas behind Blackstone House and Ripley House
 - (v) Lawn/grass areas behind Langdale House and Nash House
 - (vi) Old tennis court and surrounding area behind Pimlico District Heating Unit

3. **Exemptions**

Nothing in this Schedule 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;
- (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.

4. 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)

SCHEDULE 2

All the area of land abutting; the Southern footway of Victoria Street, the building known as Ashdown House, Ambrosden Avenue, Westminster Cathedral, Morpeth Terrace/Ashley Place, No.25 Ashley Place and No.155 Victoria Street, as more particularly shown edged in red on the Map attached to this Order

SCHEDULE 3

- 1. All of the areas of Queen's Park Ward shown shaded blue on Map 1 attached to this Order together with the area shown shaded red on Map 1 and the designated dog run area shown shaded yellow on Map 1**

- 2. All of the area of Churchill Gardens Estate shown shaded blue on Map 2 attached to this Order together with the areas shown shaded red on map 2**

SCHEDULE 4

- 1. All of the area of Queen's Park Ward shown shaded blue on Map 1 attached to this Order with the exception of the areas shown shaded red on Map 1 and the authorised dog run area in Queen's Park Gardens shown shaded yellow on Map 1**
- 2. All of the area of Churchill Gardens Estate shown shaded blue on Map 2 attached to this Order with the exception of the areas shown shaded red on Map 2**

SCHEDULE 5

1. All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the area of the City of Westminster

2. Exemptions

Nothing in this Schedule 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;
- (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. Each of the following is a “prescribed charity” –

- (i) Dogs for the Disabled (registered charity number 700454)
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