

Mayor & Cabinet		
Report Title	Public Space Protection Order - Controls around Dogs, Alcohol Consumption, Psychoactive Substances and Unauthorised Encampments	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Aileen Buckton, Executive Director, Community Services	
Class	Open	Date:6 December 2017

1. Executive Summary

- 1.1 This report seeks Mayor and Cabinet approval of the proposal for the council to implement a 'Public Space Protection Order' to address identified anti-social behaviour around alcohol consumption, psychoactive substances, unauthorised encampments and dogs.
- 1.2 Changes enacted by the Anti-Social Behaviour, Crime & Policing Act 2014 mean that existing controls around dogs and alcohol consumption will lapse on 20 October 2017 unless reviewed and replaced by a 'Public Space Protection Order' (PSPO).
- 1.3 Proposals to replace these powers as well as introduce new powers to tackle the use of psycho active substances and unauthorised encampments in public spaces were published for statutory consultation in August and September 2017. The results are summarised for consideration within this paper.

2. Recommendations

- 2.1 This paper recommends that the Mayor:
 1. Considers the detail of the report;
 2. Agrees to the implementation of a borough wide PSPO according to the terms set out in appendix 1;
 3. Agrees to delegate powers to officers to publicly advertise the decision to implement the PSPO in the borough and provide details of when the order will come in to force. It is proposed that the order commence on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.
 4. Enforcement of the order would be undertaken by police officers and delegated council officers (currently powers are delegated to officers within the Crime, Enforcement & Regulation Service, Clean Streets Officers, Glendale).

3. Introduction

3.1 The London borough of Lewisham currently has in force controls around anti-social alcohol consumption and anti-social dog activity.

3.2 The 'Designated Public Place Order' (DPPO), has been in place since 2010 and provides police officers with powers to request individuals to stop drinking alcohol in a public place should they be committing anti-social behaviour, and powers of confiscation to alcohol containers. Should the individual fail to stop and give up their alcohol, they are committing an offence and can be arrested or fined.

3.3 The Clean Neighbourhoods and Environment Act 2005 (CNEA) gives the council power to tackle irresponsible dog ownership and also replaced the legislation for dog fouling. Lewisham also currently has in force 5 Dog Control Orders which can result in an on-the-spot £75 fine and fines of up to £1,000 at court. Offences include:

- 1. Fouling of land by dogs and failing to remove dog faeces**
- 2. Not keeping a dog on a lead**
- 3. Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer**
- 4. Taking more than four dogs onto specified areas**
- 5. Permitting a dog to enter land from which dogs are excluded**

3.4 Part 4 of the Anti-Social Behaviour, Crime & Policing Act 2014 introduced the Public Space Protection Order which replaces powers under Designated Public Place Orders and Dog Control Orders, as well as Gating Orders to restrict right of way to reduce ASB, crime and disorder). Therefore the orders currently in place in the borough will cease to be enforceable after the 20th October 2017. Any continuation of these powers will need to be put in place by the local authority under the new PSPO legislation.

3.5 The local authority may introduce a PSPO to impose conditions regarding the use of an area in order to deal with a particular problem or nuisance. These orders could either apply to everyone using the space or to certain groups. The PSPO may tackle a range of issues within one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead. However, activities are not limited to those covered by the orders being replaced and so the new PSPO can be used more flexibly to deal with local issues, e.g. begging, rough sleeping, psychoactive substances.

3.6 A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met:

- a) Activities in a public place have had a detrimental effect on the quality of life of those in that locality, and it is likely that activities will be carried out which will have that detrimental effect.
 - b) The effect or likely effect of the activities is or likely to be persistent or continuing in nature, will make the activities unreasonable and justified the restrictions imposed¹.
- 3.7 The order prohibits and requires certain specified actions. The order can last up to 3 years, and could be extended beyond this time. There is no limit to the number of extensions allowed.
- 3.8 The local authority must consult with local Police and the Police and Crime Commissioner, as well as any other community representatives it feels are affected.
- 3.9 A PSPO can be enforced by both police and designated council officers.

4. Policy Context

- 4.1 Shaping Our Future, Lewisham's Sustainable Communities Strategy 2008-2020, sets out the strategic priorities for the borough. One of these priorities is '**Safer**' - *making the borough a place where people feel safe and live free from crime, antisocial behaviour and abuse*. The strategy specifically refers to the council achieving this by working to 'tackle antisocial behaviour and ensure that people feel confident and safe throughout the borough'². The strategy also specifically refers to the council achieving this by working to 'protect and enhance our parks, open spaces and local biodiversity'³.
- 4.2 The content of this report is consistent in contributing to the following corporate priority of **Clean, green and liveable**' – *where people live in high quality housing and can care for and enjoy their environment*.
- 4.3 By utilising legislation set out in the Anti Social Behaviour, Crime and Policing Act 2014 to make Public Space Protection Orders the council is working towards achieving these priorities by enabling authorised officers to tackle identified anti-social behaviours that are having a detrimental impact on residents and public spaces. The proposed PSPO will provide authorised officers and police officers with the power to tackle alcohol, drug and dog related anti-social behaviour as well as tackle illegal encampments and address associated litter and waste issues related to all of those identified nuisances.
- 4.4 The introduction of a PSPO will also assist the council in taking actions to meet the Safer Lewisham Partnership (SLP) priorities of reducing reoffending and reducing anti-social behaviour.

¹ P33, Anti-Social Behaviour, Crime and Policing act 2014, part 4 – Community Protection, Chapter 2 – Public Spaces Protection Orders

² Shaping Our Future, Lewisham's Sustainable Communities Strategy 2008-2020, p24

³ Shaping Our Future, Lewisham's Sustainable Communities Strategy 2008-2020, p40

5. Proposed PSPO

- 5.1 A PSPO proposal with supporting evidence was submitted on 5 July 2017 to Safer Lewisham Partnership. This proposal included the following:

That a new borough PSPO be introduced following consultation with residents and stakeholders to include:

1. **Continuation of prohibitions (currently in place under the DPPO) around alcohol consumption when causing or likely to cause anti-social behaviour in public places on a borough wide basis.**
2. **Keep and extend existing dog control orders (currently in place under dog control orders) to include following changes**
 -
 - a) Dogs on leads in London Squares in Rushey Green
 - b) Dogs on leads 'zone' in Beckenham Place Park
 - c) Manor House Park to include a dog free zone
3. **To introduce prohibitions around the use of psychoactive substances in public places to prevent related littering and nuisance on a borough wide basis.**
4. **To introduce prohibitions around unauthorised encampments on public land on a borough wide basis.**

- 5.2 This proposal was based on evidence from council and police data as well as complaints raised by residents and councillors and other elected officials. Public health data was provided which identified Lewisham as suffering with a higher than average level of alcohol related crime, ambulance call outs, hospital admissions and mortality rates. The Crime, Enforcement & Regulation Service provided data demonstrating concerns around persistent problems with litter paraphernalia related to use of psychoactive substances and outlined the increasing problem with unauthorised encampments in public spaces. Environmental services provided data around complaints of dog related anti-social behaviour.

- 5.3 Enforcement of the order would be undertaken by police officers and delegated council officers. Arrangements are already in place for delegation of these powers to appropriate officers within the Crime, Enforcement & Regulation Service, Clean Streets and Glendale.

- 5.4 It should be noted that enforcement of the prohibitions in this proposal would be enforced according to the council's enforcement policy to ensure that it is proportionate to the behaviour identified and its impact on others. In the case with this order, all activities would have to be causing or likely to cause anti-social behaviour. This assessment would have to be taken by officers utilising knowledge around recent or ongoing

complaints of anti-social behaviour. These are not blanket prohibitions, and no action could be taken where this test is not met.

- 5.5 It was agreed that an 8 week consultation period be conducted to ascertain public feedback on the proposal to inform decision making.

6. Consultation

- 6.1 A public consultation went live on the council's consultation portal on 2nd August 2017 and was closed on 24 September 2017.

- 6.2 The following groups were directly contacted with a request to complete the consultation questionnaire via email:

- Mayor of London Sadiq Khan (London Police & Crime Commissioner)
- All Lewisham Elected Representatives (Councillors, Mayor, MPs, London Assembly Member, Young Mayor)
- Lewisham Police Borough Commander
- Metropolitan Police Ward Officers
- Lewisham Local Assemblies
- Lewisham Life E-Newsletter
- Public Health
- Drug and Alcohol Treatment Services (CRI)
- Lewisham Reach
- Victim Support
- 999 Club
- Bench Outreach
- Lewisham Irish Centre
- Safer London Members
- Lewisham Alcohol Licence Holders
- Residents Associations
- Friends of Parks
- Lewisham Green Space Forum

- 6.3 The consultation also received positive responses from the Dogs Trust and The Kennel Club.

7. Feedback from Consultation on Proposal

- 7.1 In total there were 410 responses. There was overwhelming support for both continuing the dog control orders and the controls around anti-social alcohol consumption, as well as the new prohibitions around psychoactive substances and unauthorised encampments. For all of the proposals the response was above 72% for the introduction of the proposal.

- 7.2 Respondents also provided written feedback as part of the consultation on their reasons for supporting the Order. Many wanted to see the

continuation of the existing controls on alcohol and dogs as they felt affected by these behaviours. Alcohol hotspots identified were Catford, Rushey Green, Deptford and New Cross, Lewisham, Ladywell and Crofton Park. Respondents outlined overwhelmingly how they found 'street drinking' behaviour intimidating and that it was detrimental to the look and feel of the borough. Many raised concerns of the impact it had on children living in the borough, as well as other concerns related to noise and disorderly behaviour associated with street drinking.

7.3 With regards to the new proposals, respondents gave significant feedback on how they had observed litter paraphernalia related to the use of psychoactive substances in public spaces and how they felt this was intimidating and again affecting the look and feel of the borough. Significant numbers of respondents also noted how they often see individuals they believe to be under the influence of drugs, notable in the areas of Catford and New Cross. Respondents also feedback that they felt unauthorised encampments caused significant disruption to the areas they arise in, and result in litter and other detritus being left behind. Also many felt that unauthorised encampments on public land should not be allowed as it makes it difficult for other residents to use the land whilst the land is being occupied.

7.4 Lewisham Police fully support the proposal and continuation of existing powers currently used by police officers to deal with alcohol related disorder and dog anti social behaviour. Inspector James Yaxley submitted the following statement as part of the consultation:

'The Metropolitan Police Service (Lewisham) fully supports the proposed public spaces protection order (PSPO) which is intended to deal with the problem of dog anti social behaviour, the consumption of alcohol in public spaces, where it causes or is likely to cause a nuisance across the London Borough of Lewisham, the use of psychoactive substances and associated antisocial behaviour and the setting up of illegal encampments on public land.

The nuisance caused by the activities described above is detrimental to the local community's quality of life and, by imposing conditions on the use of these specific areas by dog owners (which apply to everyone) and the general restrictions on activities that constitute antisocial behaviour, that quality of life can be preserved and the law-abiding majority can use and enjoy public spaces safely and peacefully.

With the execution of numerous warrants for the seizure of dangerous or out of control dogs (and more than ten dogs seized) in the London borough of Lewisham, over the past six months this is an issue that is clearly a cause for concern to local people.

The figures for alcohol related crimes in Lewisham are higher than the average for London boroughs and those for ambulance call outs due to

excessive alcohol consumption place a huge burden on the London Ambulance service and local medical facilities.

The possession and use of psychoactive substances in a public place is not a specific offence. This limits the options for police to deal with those whose use of these substances lead to antisocial behaviour. Likewise, existing powers to address illegal encampments are limited in that they can only be applied to a specific place, not across the borough as a whole.

The new PSPO will allow police to work in partnership with the London Borough of Lewisham to enforce the new regulations, using a simple, flexible and effective framework to ensure that public spaces in Lewisham are available for everybody to enjoy safely and free from harassment.'

- 7.5 Below is a summary of the responses received for the proposed prohibitions on the order. A further breakdown of responses can be found in appendix II:

Proposal	Agree	Disagree
1. No person may drink alcohol in a public place when requested to stop or hand over containers by an authorised officer of the council or police constable. This is a borough wide measure.	86.57%	6.72%
2. No person shall consume or have in their possession a psychoactive substance when requested to stop or hand over containers by an authorised officer of the council or police constable. This is a borough wide measure.	87.4%	6.29%
3. No person shall occupy any vehicle, tent or other structure on public land owned or managed by the London borough of Lewisham. This is a borough wide measure.	78.91%	8.44%
4. No person is permitted to leave dog waste deposited by any dog under their control or ownership in any public place, save a designated dog waste bin. Owners and dog walkers must clean up after their dogs under their control, care or ownership. This is a borough wide measure.	95.78%	3.23%
5. When required by an authorised officer of the council, any person in control of dogs must place those dogs on a lead. This is a borough wide measure.	82.42%	11.63%
6. No person is permitted to have under their control more than 4 dogs in a public place. This is a borough wide measure.	76.42%	9.43%
7. No persons in charge of a dog is permitted to take the dog onto, or to entre, or to remain on the following designated areas within the borough: <ul style="list-style-type: none"> • Children’s play areas within parks, gardens 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) 	72.14%	23.66%

8. Equalities Impact Assessment

- 8.1 Pursuant to section 149 of the Equalities Act 2010, the council in exercise of its functions has to have due regard to eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the act, advancing equality of opportunity between those with a relevant protected characteristic and those without, and fostering good relations between those who have a relevant protected characteristic and those without.
- 8.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership.
- 8.3 In line with this, an equalities impact assessment was completed and it was identified that the PSPO proposed is likely to have a more significant impact upon the activities of those with mental health issues with alcohol or drug dependency and those from the traveller communities. However the introduction of a PSPO also has the opportunity to impact positively on the councils duty under the equalities act in that the order aims to tackle behaviour that causes harassment and victimisation of protected groups, such as the elderly and minority groups who are often adversely affected by issues being addressed by the PSPO such as alcohol related anti-social behaviour.
- 8.4 It was agreed as part of the proposal that during the consultation period that specific groups would be targeted for their views on the potential impact on protected groups. Feedback that was received with regards to the dog control orders were there may be potential negative impacts on vulnerable groups and their requirements under the Equality Act 2010, for example those who rely on assistance dogs and registered blind people, who may either be unable to comply with conditions contained within the Order, or the effect of the Order would be to exclude them from accessing public spaces. Therefore it will be part of the order that appropriate exemptions from dog fouling and dog exclusion Orders should be included in PSPOs, for registered blind people and those who rely on assistance dogs.
- 8.5 Additionally, feedback was received around possible adverse impacts on those who are homeless, affected by with mental health issues and drug and alcohol dependencies. Lewisham has a good track record of undertaking a holistic approach to dealing with street drinking, not just through enforcement but with engaging with individual and offering support to enter treatments services and access housing and accommodation. This will continue to be the approach taken by services dealing with these issues, and any enforcement undertaken will be according to the council's enforcement policy, where advice is given in the first instance and enforcement is the last resort.

9. Financial Implications

- 9.1 The PSPO will be enforced by the Lewisham Police Crime, Enforcement & Regulation Service (primarily alcohol related anti-social behaviour, psychoactive substances and unauthorised encampments), Clean Streets Service and Animal Welfare, Glendale (dog related anti-social behaviour). There are therefore no cost implications to the council regarding enforcement as these services are in place. However given that the enforcement can result in a fine, there will be an income that will result from this enforcement. This will be a new income for the Crime, Enforcement & Regulation Service as previously these powers only sat with the police. This is not expected to be a significant income across the financial year as the service are not a 'patrolling' service, and will only be exercising powers where it is more appropriate for the service to do so instead of the police. As with any enforcement, it is imperative that no income target be set as any enforcement is based on the offence rather than the need to raise money. Any income is likely to be used to offset costs around running the PSPO, signage, court fees for failure to pay fines etc.
- 9.2 The Council has already incurred a cost of £700 to publicise the order in the New Shopper Newspaper. There will be an initial cost application for setting up the order, including new signage that will be required throughout the borough and related advertising. It is estimated that this should be no more than £10,000 and will be found through existing budgets. It is proposed that Crime Reduction and Environment share the cost of the new signs.

10. Crime and Disorder Implications

- 10.1 Crime, disorder and anti-social behaviour can have devastating effects on individuals, families and communities. The Council has a duty to respond to issues of crime and anti social behaviour, and by exercising these powers correctly the council is taking steps to improve the quality of life of residents in the borough.

11. Legal Implications

- 11.1 Part 4 of the Anti-social behaviour, Crime and Policing Act 2014 together with the associated statutory guidance provides the process for adopting a PSPO as is set out within the body of this report. A PSPO must comply with the requirements outlined within Part 4 of the 2014 Act.
- 11.2 Formal consultation requirements are clearly set out as a necessary pre-requisite for adoption of a PSPO. Consultation must include consulting with the chief officer of police, and the local policing body, and any other community representatives the local authority believes is appropriate to consult with. This requirement has been met by the statutory

consultation that was undertaken during August and September 2017, as set out in section 6 of this paper.

- 11.3 There is also a requirement to publicise the text of proposed order. A public notice was erected at various points across the borough, including the Town Hall, Lewisham Police Station, Beckenham Place Park, Lewisham Library, and Sydenham Library at the end of October 2017 (see Appendix VI). The same notice was also published in the News Shopper Newspaper for Lewisham and Catford on the 1 November 2017, as well as the Public Notice page on the News Shopper Website and the Lewisham Council website.
- 11.4 An further consultation opportunity for representations to be made on the proposed order was also opened to the public during the month of November 2017.
- 11.5 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.6 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 11.7 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 11.8 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 11.9 The Equality and Human Rights Commission has issued Technical Guidance on the Public Section Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the

statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

11.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

11.11 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

12. Environment Factors

12.1 The order and its enforcement should impact positively on the levels of waste and litter in the borough, specifically controls around dog fouling, psychoactive substances and alcohol consumption.

12.2 The controls and ability to enforce around dog fouling should reduce the likelihood of dog owners not clearing up after their dogs. Continuing controls around anti-social alcohol consumption should also impact positively on litter in the form of cans or bottles, as authorised officers can continue to make confiscation where a nuisance is taking or likely to place, reducing the likelihood that those cans will be disposed of

irresponsibly. In a similar vein, new controls around psychoactive substances may help to deter its activity in public places and therefore reduce the levels of related detritus left behind, such as the silver canisters often associated with its use.

13. Conclusion

- 13.1 Existing controls enforced by police and council officers around anti-social alcohol consumption in public places and dog control order will cease on 20th October 2017. Any continuation of these powers will need to be put in place under a Public Space Protection Order under new legislation.
- 13.2 A proposal for PSPO to continue these powers as well as introduce new prohibitions around the use of psychoactive substances and unauthorised encampments was proposed for the borough in July 2017 and a statutory consultation was undertaken throughout August and September 2017. Feedback from this consultation was strongly for all of the proposed controls under the order. Lewisham Police also strongly support the introduction of the order so they can maintain existing powers as well as gain new powers to tackle other problematic anti-social behaviours where they currently struggle to deal with them through existing legislation.

14 Final Recommendations

- 14.1 Following the positive feedback from this public consultation on all the proposed controls, and alongside the evidence presented in the previous SLP proposal paper, this report recommends that Mayor and Cabinet agree to the proposal to introduce a public space protection order, as these are proportionate measures to be utilised to deal with identified anti-social behaviours that are affecting the borough's residents on a regular basis.
- 14.2 It also recommends that Mayor and Cabinet agree to delegate powers to officers to publicly advertise the decision to implement the PSPO in the borough and provide details of when the order will come in to force. It is proposed that the order commence on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.
- 14.3 Enforcement of the order would be undertaken by police officers and delegated council officers (currently powers are delegated to officers within the Crime, Enforcement & Regulation Service, Clean Streets Officers, Glendale)

15. Background Papers and Report Author

Document	Date
The Anti-Social Behaviour, Crime & Policing Act 2014 http://www.legislation.gov.uk/ukpga/2014/12/content/enacted	March 2014
The Anti-Social Behaviour, Crime & Policing Act 2014: Reform of Anti-Social Behaviour Powers Statutory Guidance for frontline professionals https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf	July 2014
PSPO Equalities Impact Assessment, Crime, Enforcement & Regulation Service For a copy contact Lisa Hooper x46324	April/September 2017

If you require any further information about this report, please contact Lisa Hooper, Crime, Enforcement & Regulation Manager on 020 8314 6324.

**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. It is proposed that the order commence on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.

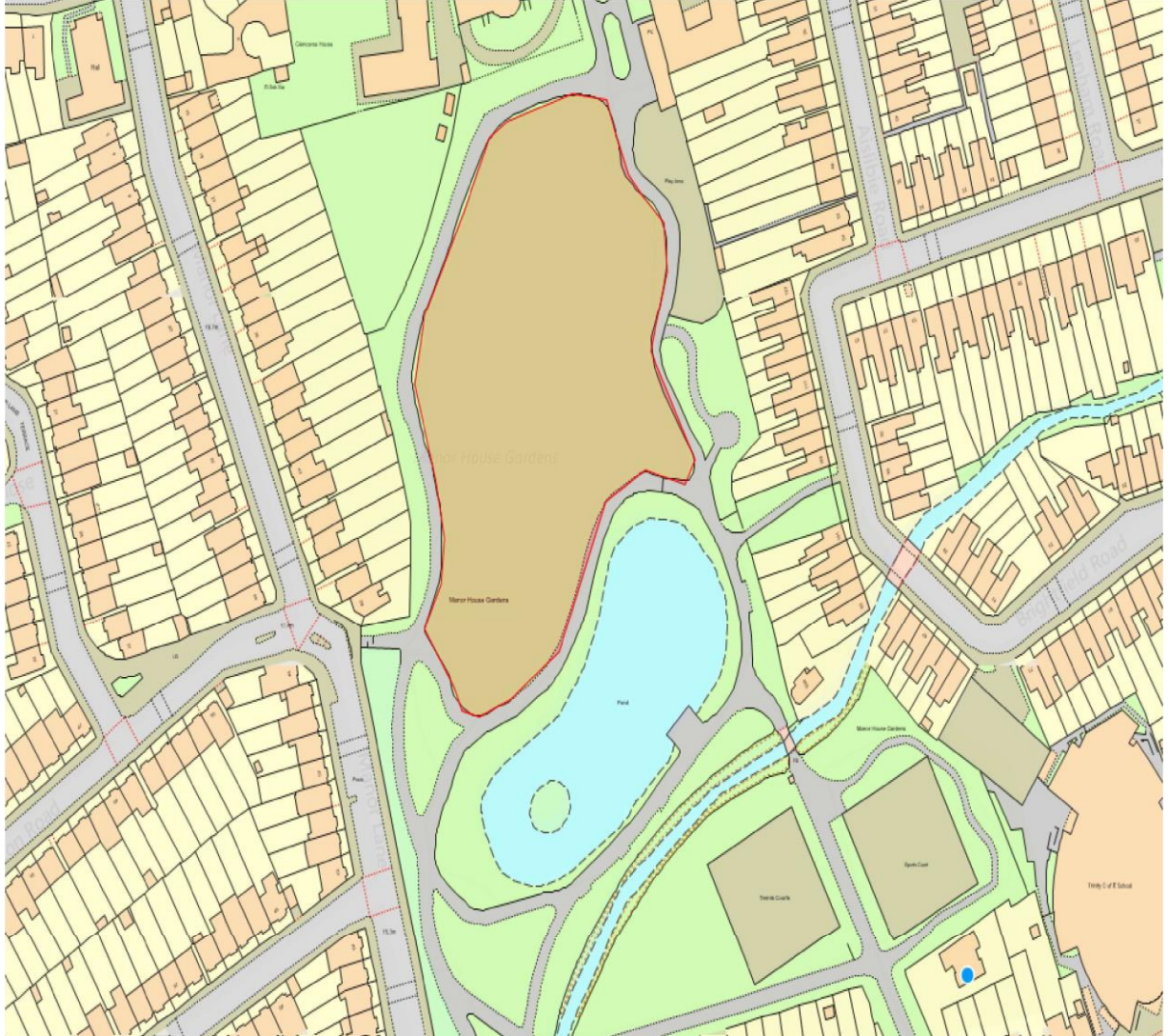
Appendix II – London Squares Rushey Green (Green boxes)



Appendix III – Beckenham Place Park - Dogs on leads



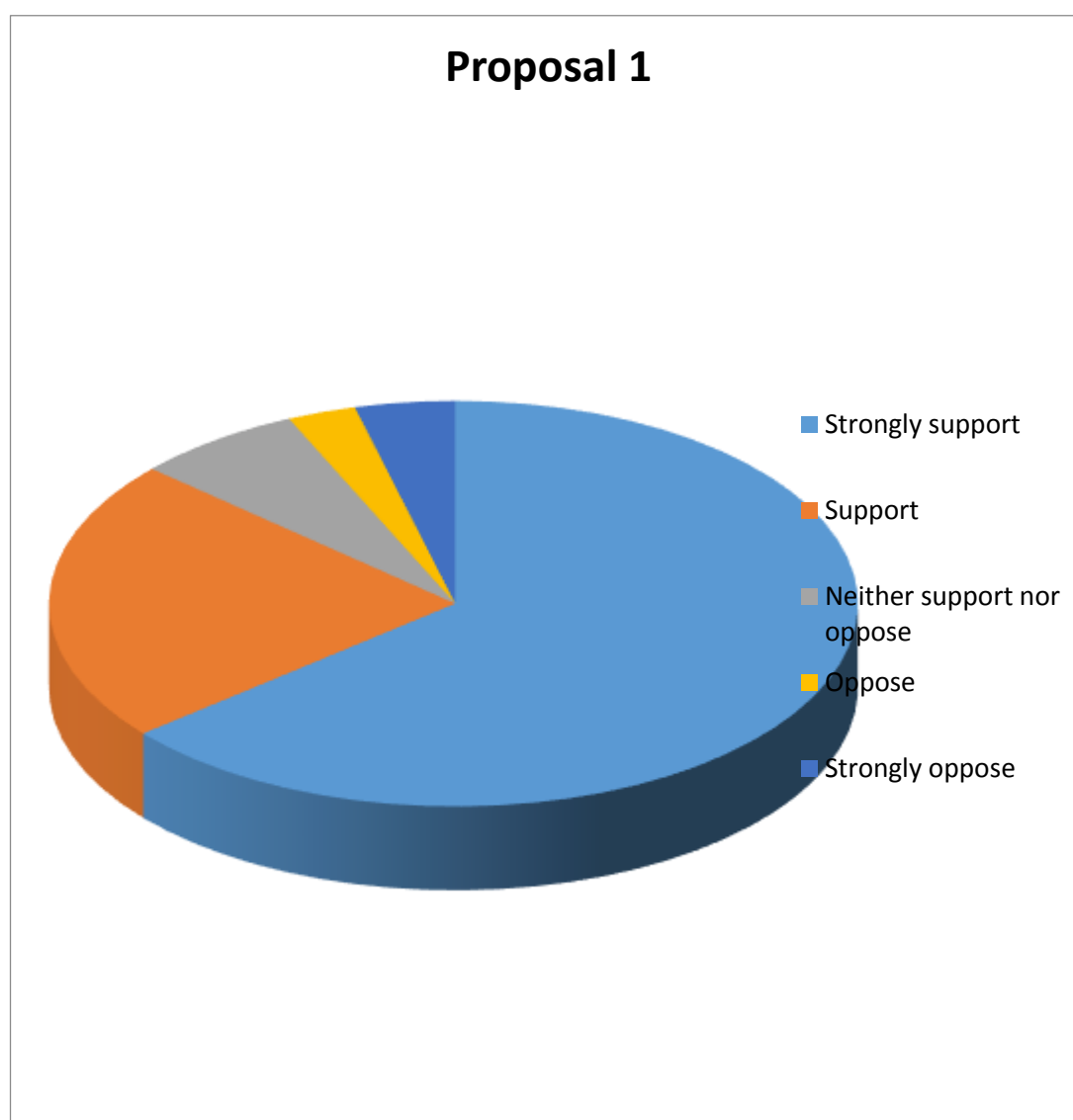
Appendix IV Manor House Gardens – Dog Free Zone



Appendix V– Breakdown of consultation responses

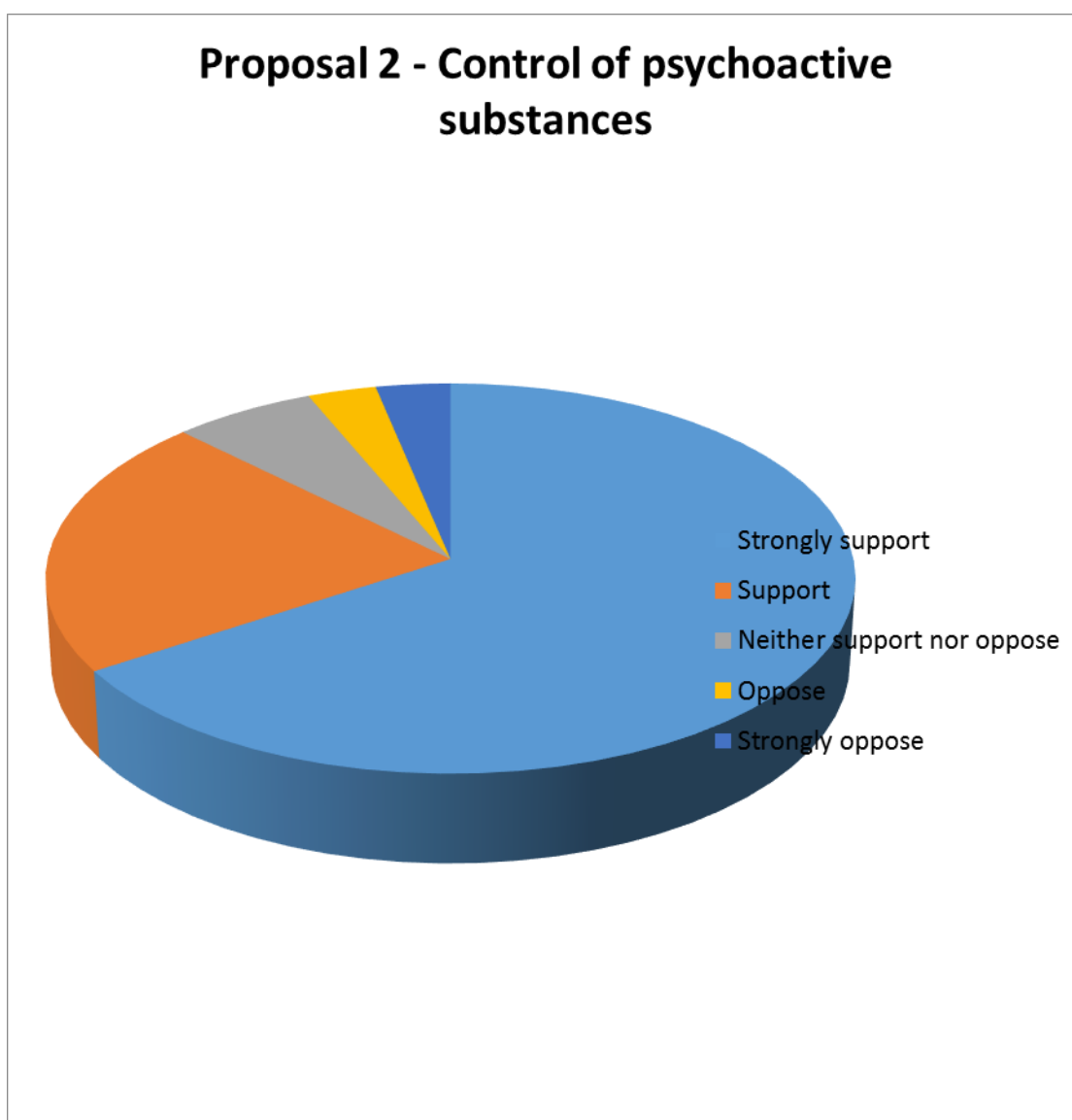
Proposal 1 – Prohibitions on alcohol consumption when causing anti social behaviour

	% Total	% Answer	Count
Number of Responses	98.05%	-	402
Strongly support	62.68%	63.93%	257
Support	22.20%	22.64%	91
Neither support nor oppose	6.59%	6.72%	27
Oppose	2.68%	2.74%	11
Strongly oppose	3.90%	3.98%	16
[No Response]	1.95%	-	8
Total	100.00%	100.00%	410



Proposal 2 – Prohibitions on use of psychoactive substances

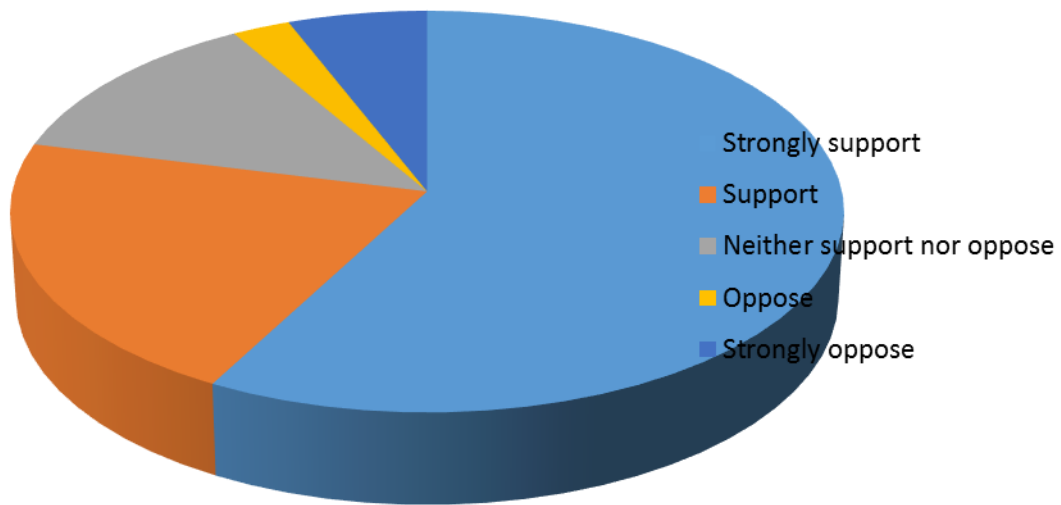
	% Total	% Answer	Count
Number of Responses	96.83%	-	397
Strongly support	63.66%	65.74%	261
Support	20.98%	21.66%	86
Neither support nor oppose	6.10%	6.30%	25
Oppose	2.93%	3.02%	12
Strongly oppose	3.17%	3.27%	13
[No Response]	3.17%	-	13
Total	100.00%	100.00%	410



Proposal 3 – Prohibitions on Unauthorised Encampments

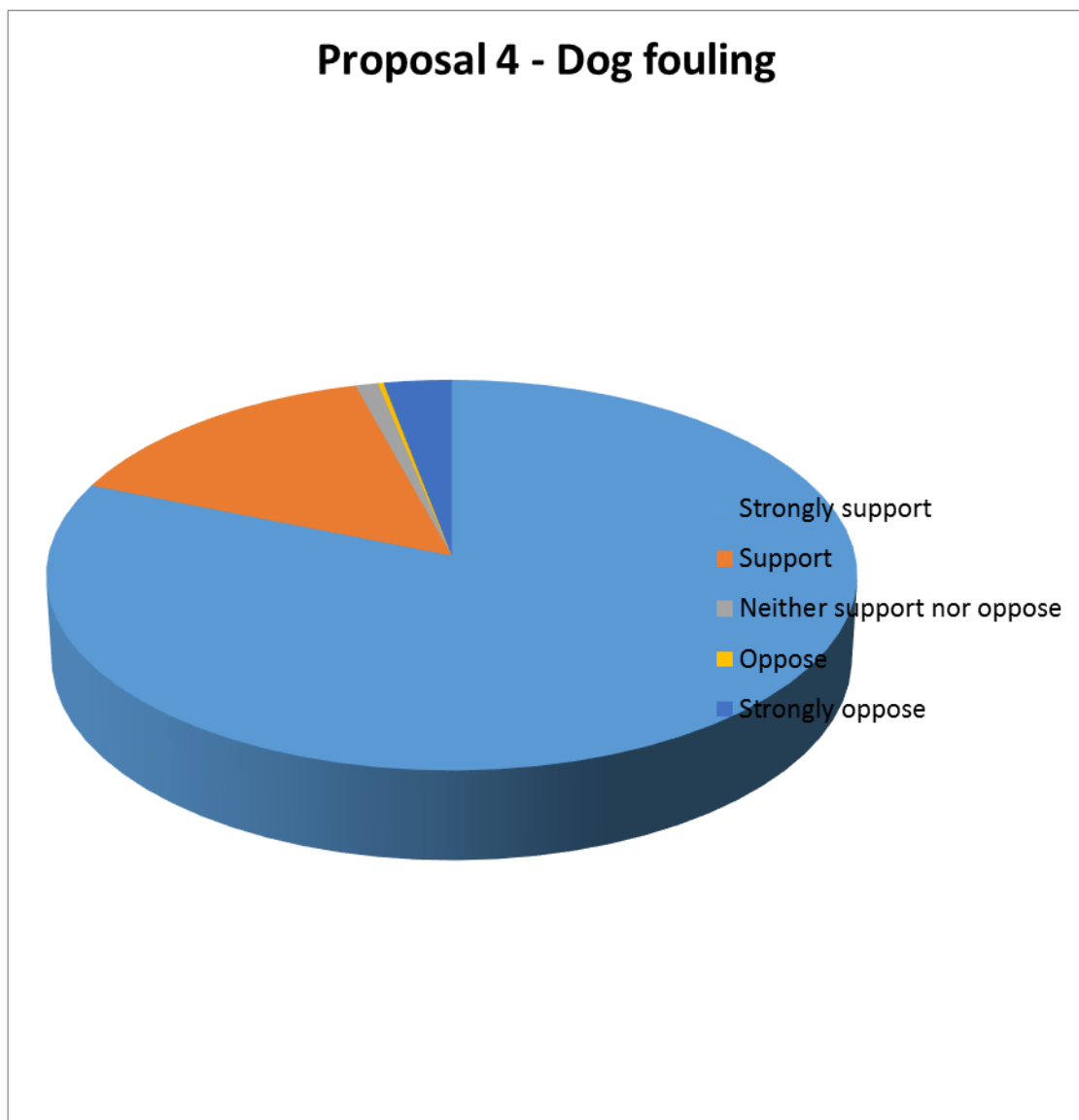
	% Total	% Answer	Count
Number of Responses	98.29%	-	403
Strongly support	56.83%	57.82%	233
Support	20.73%	21.09%	85
Neither support nor oppose	12.44%	12.66%	51
Oppose	2.44%	2.48%	10
Strongly oppose	5.85%	5.96%	24
[No Response]	1.71%	-	7
Total	100.00%	100.00%	410

Proposal 3 - Unauthorised encampments



Proposal 4 – Dog Fouling

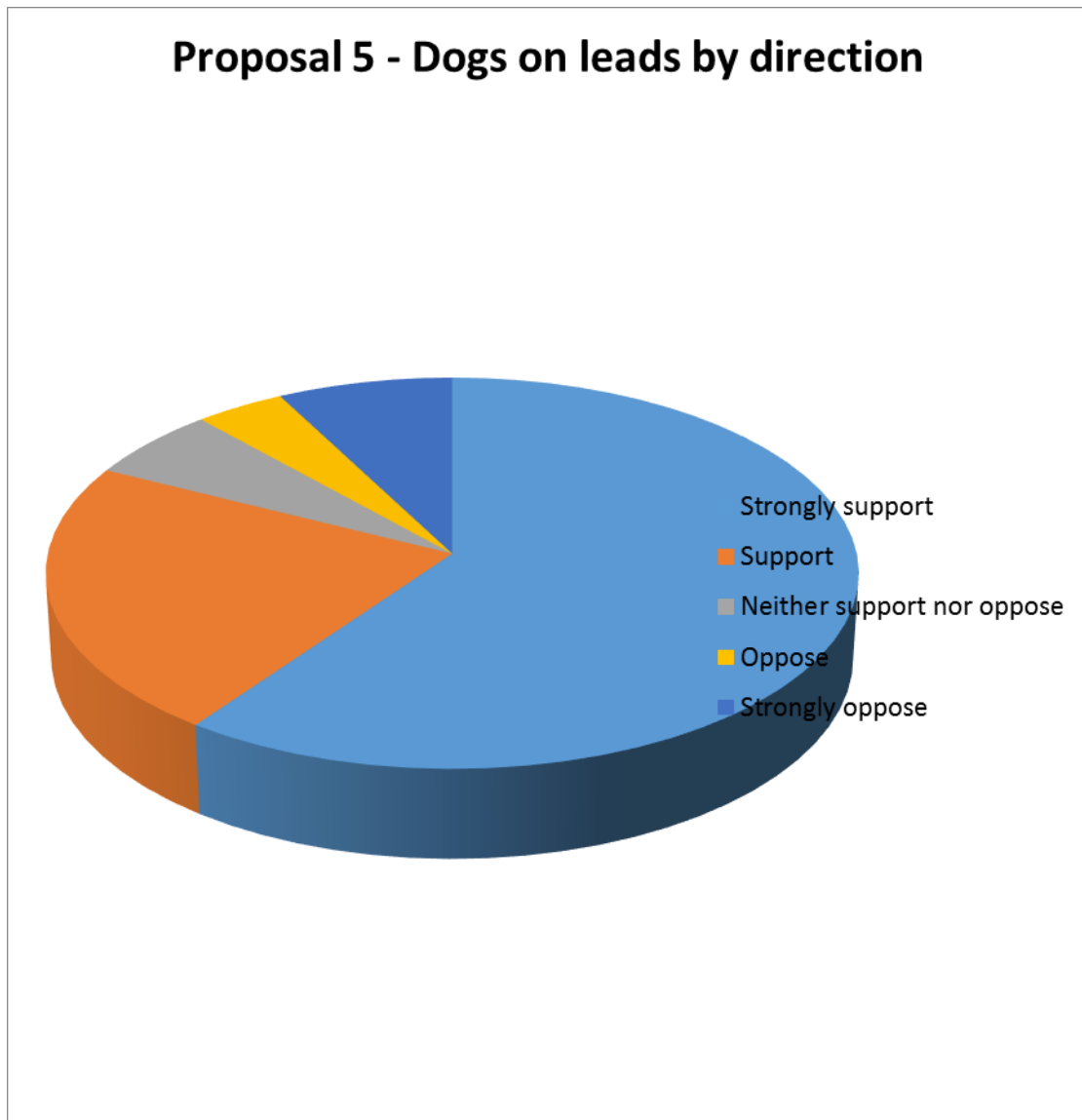
	% Total	% Answer	Count
Number of Responses	98.29%	-	403
Strongly support	79.76%	81.14%	327
Support	14.39%	14.64%	59
Neither support nor oppose	0.98%	0.99%	4
Oppose	0.24%	0.25%	1
Strongly oppose	2.93%	2.98%	12
[No Response]	1.71%	-	7
Total	100.00%	100.00%	410



Proposal 5 – Dogs on Leads By Direction

	% Total	% Answer	Count
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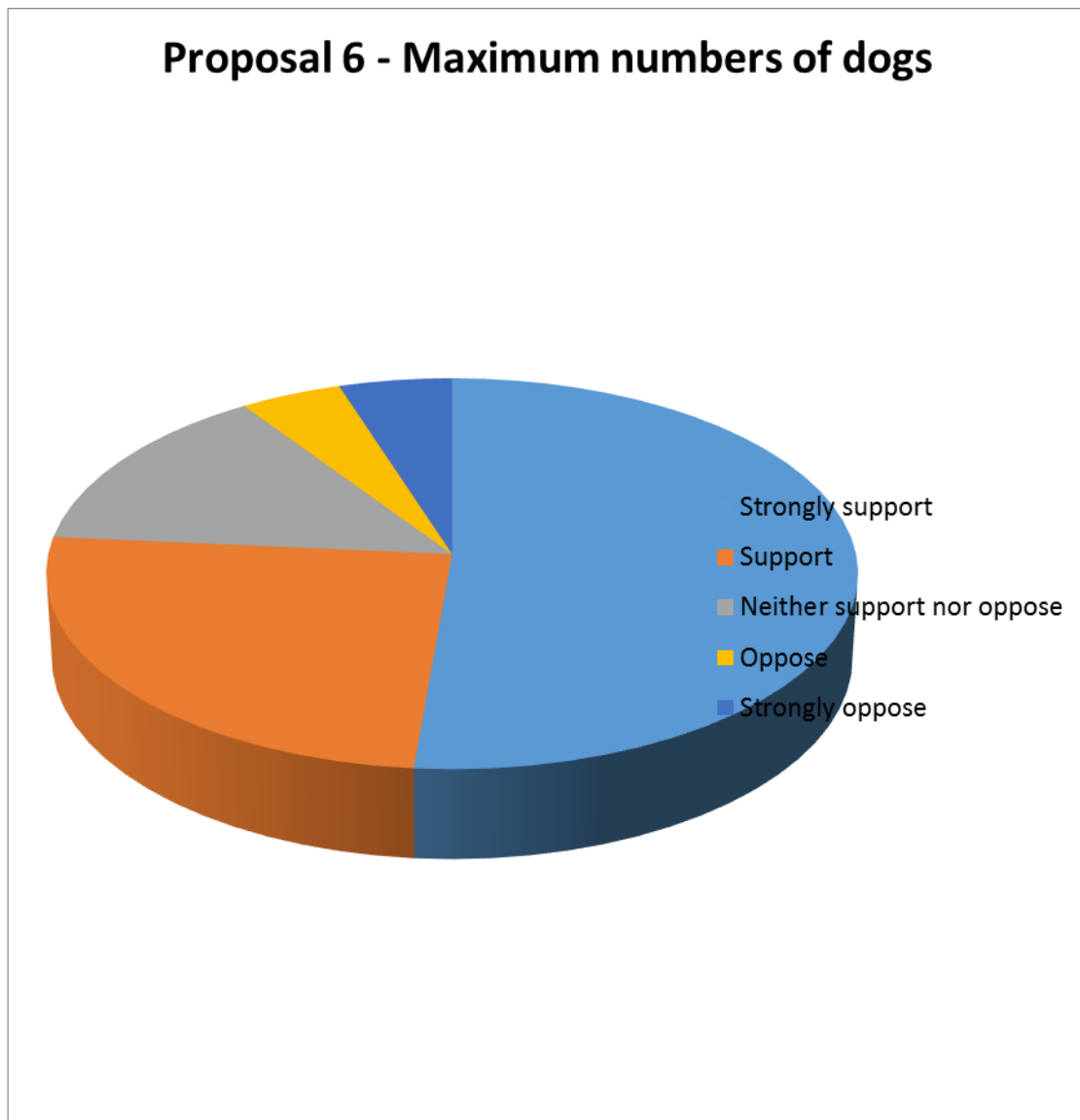
Number of Responses	98.54%	-	404
Strongly support	59.02%	59.90%	242
Support	22.20%	22.52%	91
Neither support nor oppose	5.85%	5.94%	24
Oppose	3.90%	3.96%	16
Strongly oppose	7.56%	7.67%	31
[No Response]	1.46%	-	6
Total	100.00%	100.00%	410



Proposal 6 – Maximum Numbers of Dogs

	% Total	% Answer	Count
Number of Responses	98.29%	-	403

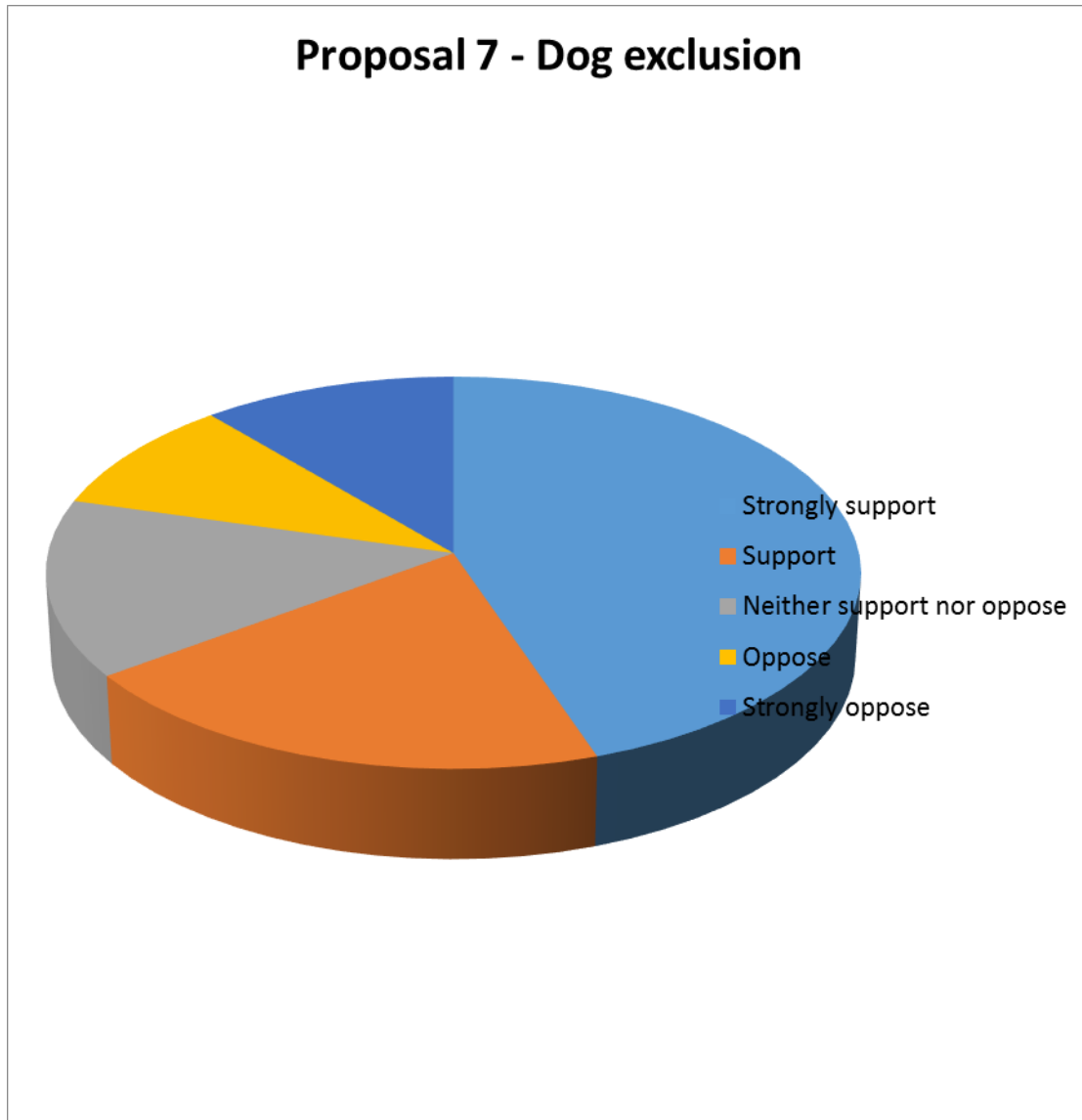
Strongly support	50.49%	51.36%	207
Support	24.63%	25.06%	101
Neither support nor oppose	13.90%	14.14%	57
Oppose	4.39%	4.47%	18
Strongly oppose	4.88%	4.96%	20
[No Response]	1.71%	-	7
Total	100.00%	100.00%	410



Proposal 7 – Dog Exclusion

	% Total	% Answer	Count
Number of Responses	98.54%	-	404

Strongly support	44.15%	44.80%	181
Support	19.76%	20.05%	81
Neither support nor oppose	14.39%	14.60%	59
Oppose	9.27%	9.41%	38
Strongly oppose	10.98%	11.14%	45
[No Response]	1.46%	-	6
Total	100.00%	100.00%	410

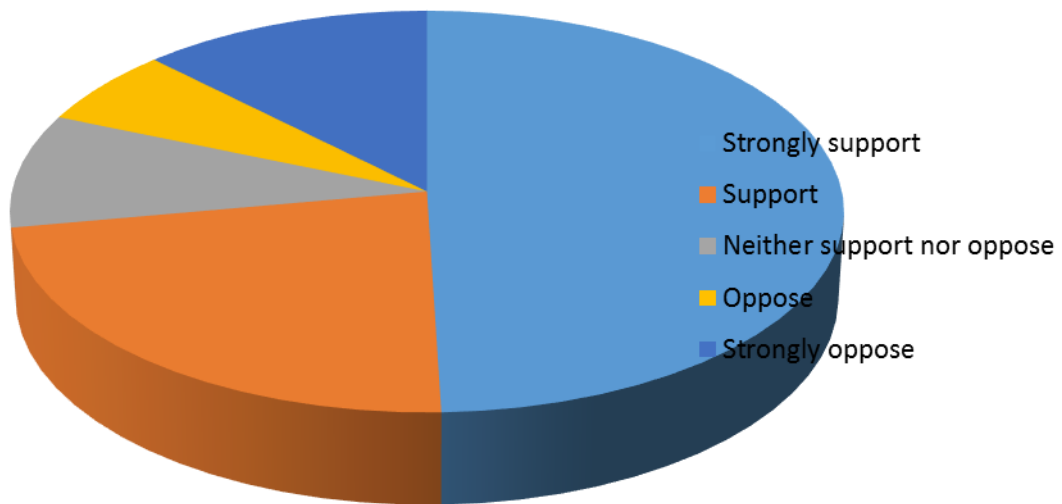


Proposal 8 – Dogs on Leads Zones

	% Total	% Answer	Count
Number of Responses	98.05%	-	402
Strongly support	48.54%	49.50%	199

Support	22.20%	22.64%	91
Neither support nor oppose	9.02%	9.20%	37
Oppose	6.10%	6.22%	25
Strongly oppose	12.20%	12.44%	50
[No Response]	1.95%	-	8
Total	100.00%	100.00%	410

Proposal 8 - Dogs on leads



Appendix VI – Published Public Notice

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

NOTICE IS HEREBY GIVEN THAT the London Borough of Lewisham in exercise of its power under sections, amongst others, 59, 63 and 72 of the Anti-Social Behaviour, Crime & Policing Act 2014 proposes to make 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.

Any person who fails without reasonable excuse to comply with an Authorised Officer, PCSO or constable’s request under this provision may commit an offence and be liable to prosecution.

We hereby invite representations on our proposals to make the following offences under the Order.

Prohibition of 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.

This will apply to all public land within the London Borough of Lewisham excluding licensed premises.

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 officer in a public place, commits an offence.

This prohibition does not apply where the substance is used for a valid and demonstrable medicinal purpose; the substance is given to an animal as a medicinal remedy; the substance is a cigarette (tobacco) or vaporiser; or the substance is a food product regulated by food, health and safety legislation.

This will apply to all public land within the London Borough of Lewisham.

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.

This will apply to all public land within the London Borough of Lewisham.

The Fouling of Land by Dogs

If a dog defecates at any time on public land 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 he can show a reasonable excuse for failing to do so or the owner/occupier of the land has consented to his failing to do so.

This does not apply to any person registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or 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.

Dogs on Leads by Direction

Any person in charge of a dog shall be guilty of an offence if, at any time, 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 he can show a reasonable excuse for failing to do so or the owner/occupier of the land has consented to his failing to do so.

This will apply to all public land within the London Borough of Lewisham

Dogs Specified Maximum

Any person who is found to be in charge of more than four dogs at any time shall be guilty of an offence, unless he can show a reasonable excuse for failing to do so or the owner/occupier of the land has consented to his failing to do so.

This will apply to all public land within the London Borough of Lewisham.

Dogs Exclusion

Any 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 in a dog exclusion zone unless he can show a reasonable excuse for doing so or the owner/occupier of the land has consented to his doing so.

This article will apply to children's play areas within parks, gardens and open spaces, children's play areas on housing estates, Fenced sports areas within parks, gardens and open spaces within the London Borough of Lewisham, listed on the proposed order and shown on the associated plans.

Nothing in this article applies to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or 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 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.

Dogs on Leads Zones

Any 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 he can show a reasonable excuse for doing so or the owner/occupier of the land has consented to his doing so.

This applies to all roads within the London Borough of Lewisham at all times (as defined by Section 142 of the Road Traffic Regulation Act 1984), 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, and specified zone within Beckenham Place Park, all shown in associated maps.

Fixed penalty notices

Lewisham Council intends to issue fixed penalty notices to enforce the proposed order, the fine will be up to £100 and failure to pay may lead to summary conviction and a fine not exceeding level 3 on the Standard Scale.

Timescales

It is proposed that the order commence on 18 January 2018, and will last for a period of 3 years, unless reviewed, amended or revoked.

Consultation

Consultations have already taken place on these proposals, now further consultations are taking place. Copies of the proposed orders and plans are available for inspection free of charge throughout the consultation period during normal opening hours at:

LBL Crime, Enforcement & Regulation Service, 9 Holbeach Road, Catford, SE6 4TW

This information can also be viewed on the council website by going to www.lewisham.gov.uk

Representations on the proposed Public Space Protection Order should be made to Lewisham Council by 12 midnight on the 30 November 2017 by writing to: **LBL Crime, Enforcement & Regulation Service, 9 Holbeach Road, Catford, SE6 4TW**

or by e-mail addressed to CER@Lewisham.gov.uk