

Public Spaces Protection Order

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Anti-Social Behaviour, Crime and Policing Act 2014

The Royal Borough of Kensington and Chelsea Dog Control Public Spaces Protection Order 2018

The Royal Borough of Kensington and Chelsea, 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 shall remain in force for a period of 3 years 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

(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) Fouling

(1) If a dog defecates at any time on land in the restricted area detailed in **Schedule 4** 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 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 4**.

(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) Specified Maximum

(1) A person in charge of more than one dog, at any time, must not take more than 6 dogs in the restricted area detailed in **Schedule 5** 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.

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 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.

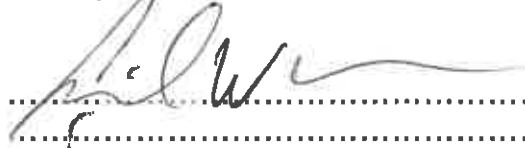
Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

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.

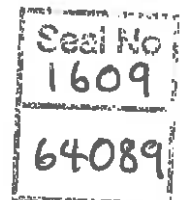
Dated:

THE COMMON SEAL of THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA)

Was hereunto affixed this day of April 2018)
in the presence of:-)



PRINCIPAL SOLICITOR



RESTRICTED AREAS

SCHEDULE 1

1. This Order shall apply to Redcliffe Square Gardens SW10

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)**
- (ii) Support Dogs (registered charity number 1088281)**
- (iii) Canine Partners for Independence (registered charity number 803680)**

SCHEDULE 2

- 1) **Footpaths over which the public have a right of way and flower-beds, planted or grassed areas maintained by the Council, which adjoin such footpaths.**
- 2) **Footways and verges (which for the avoidance of doubt includes unmade up areas at the base of trees) adjoining cycle tracks or carriageways.**
- 3) **Flower beds, planted or grassed areas maintained by the Council, which adjoin footways, cycle tracks or carriageways.**
- 4) **Forecourts adjoining footways except those which are separated from the footway by a physical barrier.**

SCHEDULE 3

- 1) Footpaths over which the public have a right of way and flower-beds, planted or grassed areas maintained by the Council, which adjoin such footpaths.
- 2) Footways and verges (which for the avoidance of doubt includes unmade up areas at the base of trees) adjoining cycle tracks or carriageways.
- 3) Flower beds, planted or grassed areas maintained by the Council, which adjoin footways, cycle tracks or carriageways.
- 4) Forecourts adjoining footways except those which are separated from the footway by a physical barrier.
- 5) The following parks and open spaces except for any areas which are from time to provided by the Council as dog toilets and identified as such by signs:-

Alex Clifton Taylor Memorial Gardens
Albert Bridge Gardens
Athlone Gardens
Avondale Park
Battersea Bridge Gardens
Barlby Gardens
Canalside Walk
Chelsea Bridge Gardens
Chelsea Common
Chelsea Embankment Gardens
Cluny Mews
Colville Square Gardens
Cremorne Gardens
Dove House Green
Emslie Horniman Pleasance Gardens
Holland Park
Holland Walk
Ifield Road Play Park
Kensington Memorial Park
Lancaster West
Leighton House
Meanwhile Gardens
Powis Square
Redcliffe Square Gardens
Royal Hospital South Gardens
Royal Avenue
Ropers Gardens
St Luke's Gardens
St Mary Abbots Gardens
St Quinton Garden
Tavistock Crescent
Thurloe Place Gardens (Yalta Memorial)

Westfield Park

- 6) **Open Land in the following residential areas shown coloured red on the plans attached to this order as follows:-**

<u>Residential Area</u>	<u>Plan Number</u>
Bramley House	1
Balfour of Burleigh Estate	2
Camborne Mews	3
Chelsea Manor Court	4
Cremorne Estate	5
Convent Estate	6
Fulham Road, 437	7
Grove House	8
Henry Dickens Court	9
Hortensia House	10
Kensal New Town Estate	11
Lancaster West Estate	12 + 13
Longlands Court	14
Pond House	15
Portobello Court	16
Portobello Road, 375	17
Silchester Estate	18
Sir Thomas More Estate	19
Swinbrook Estate	20
Tavistock Crescent	21
Treadgold House	22
Treverton Estate	23
Verity Close	24
Wiltshire Close	25
Worlds End Estate	26
The open space bounded by Hillman Drive, Humber Drive and Shrewsbury St.	27

- 7) **The car park at Kensington Sports Centre, Walmer Road**

- 8) **All open spaces adjoining, surrounding and between the buildings which comprise the Town Hall and Central Library, Hornpton Street, London W8**

SCHEDULE 4

- 1) Footpaths over which the public have a right of way and flower-beds, planted or grassed areas maintained by the Council, which adjoin such footpaths.
- 2) Footways and verges (which for the avoidance of doubt includes unmade up areas at the base of trees) adjoining cycle tracks or carriageways.
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SCHEDULE 5

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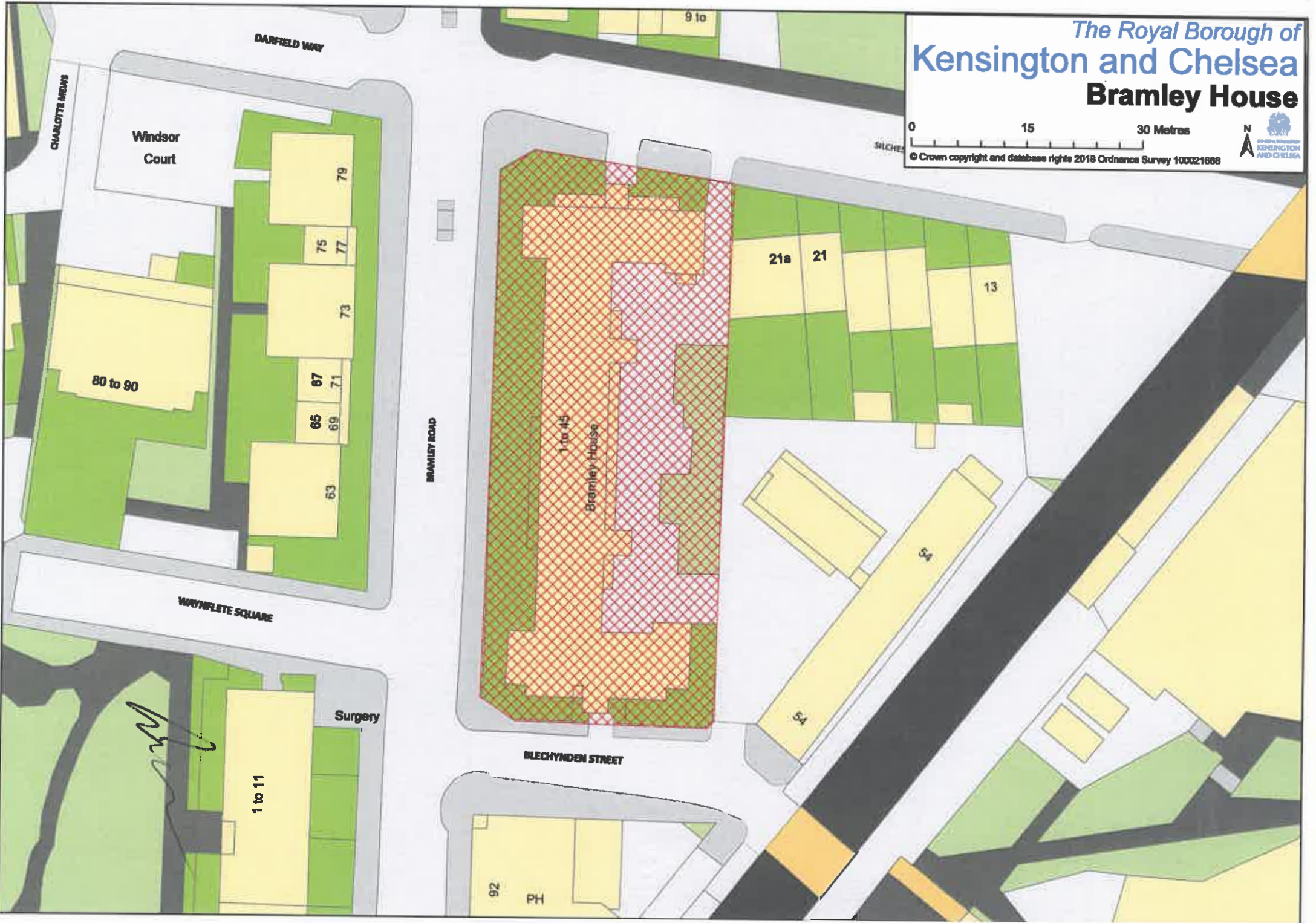
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The Royal Borough of
Kensington and Chelsea
Bramley House

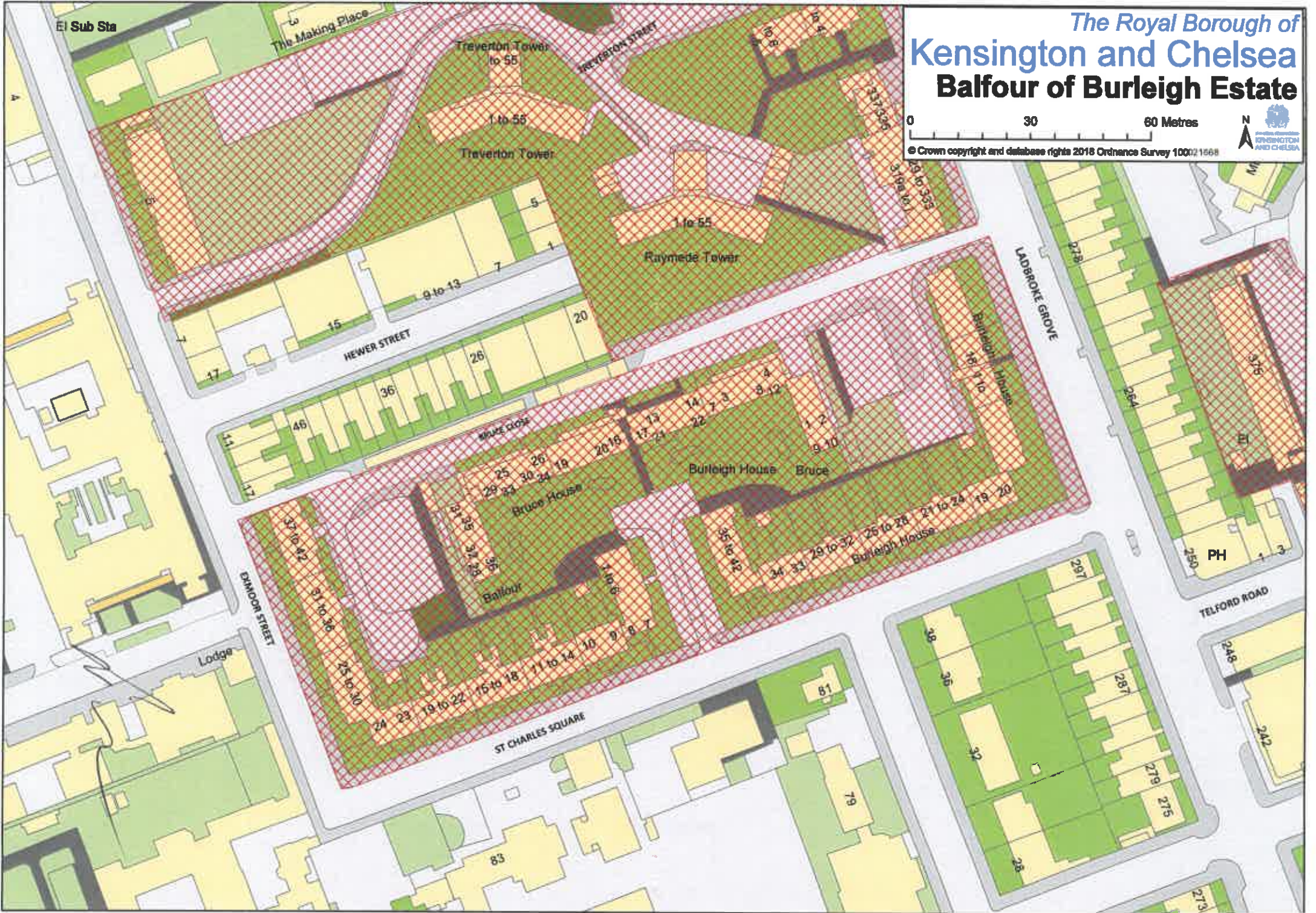
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The Royal Borough of
Kensington and Chelsea
Balfour of Burleigh Estate

0 30 60 Metres

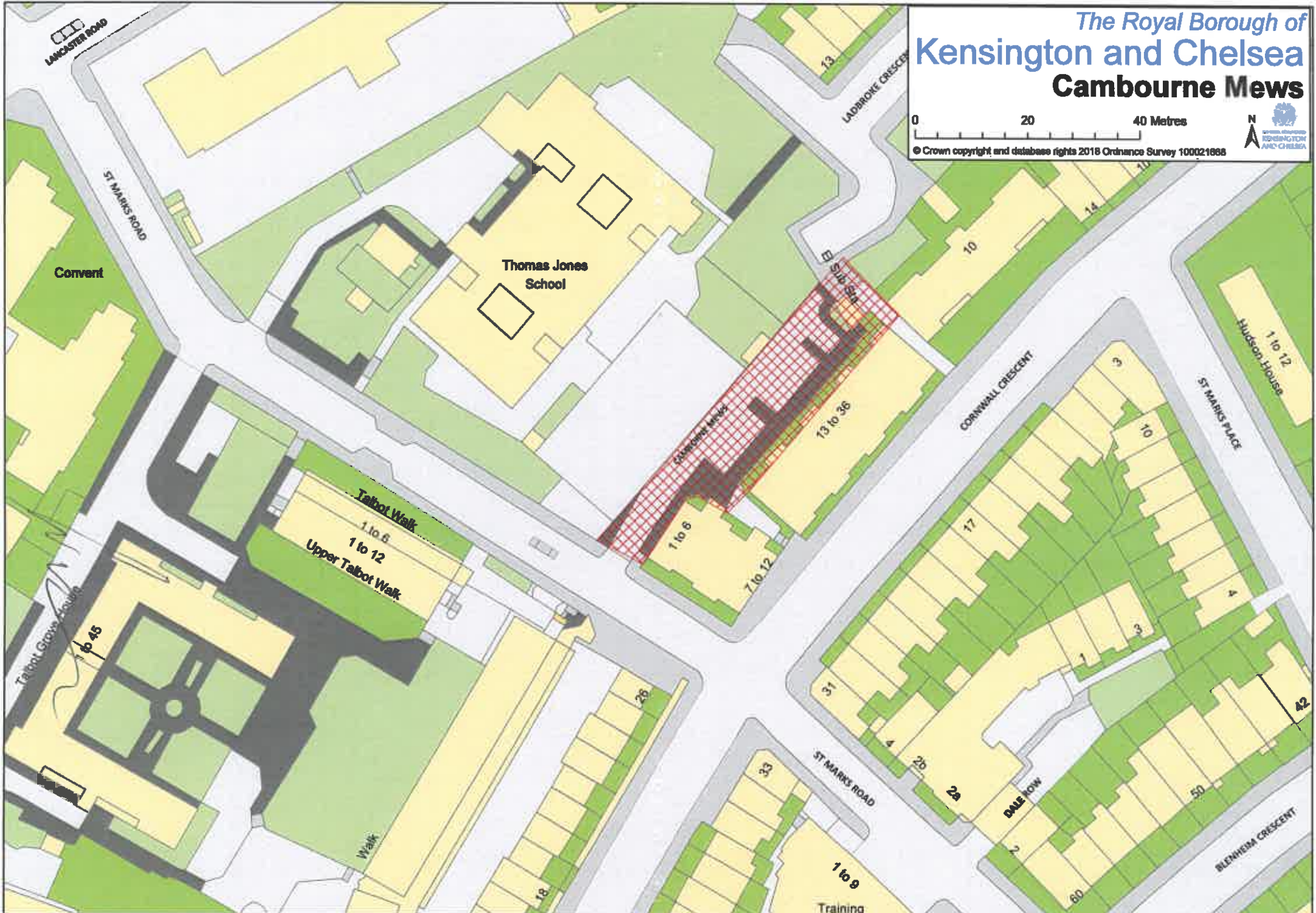
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The Royal Borough of
Kensington and Chelsea
Cambourne Mews

0 20 40 Metres

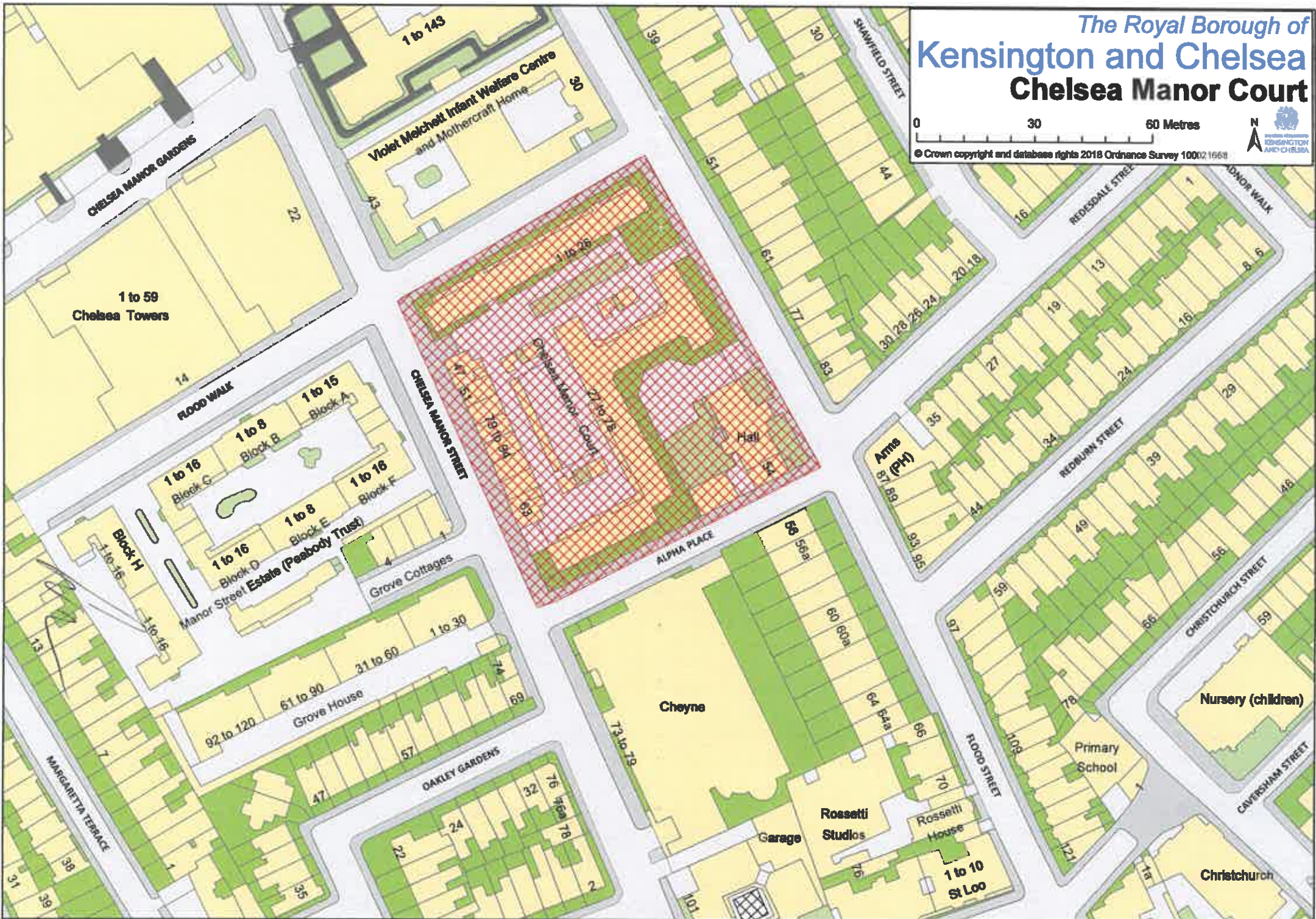
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The Royal Borough of
Kensington and Chelsea
Chelsea Manor Court

0 30 60 Metres

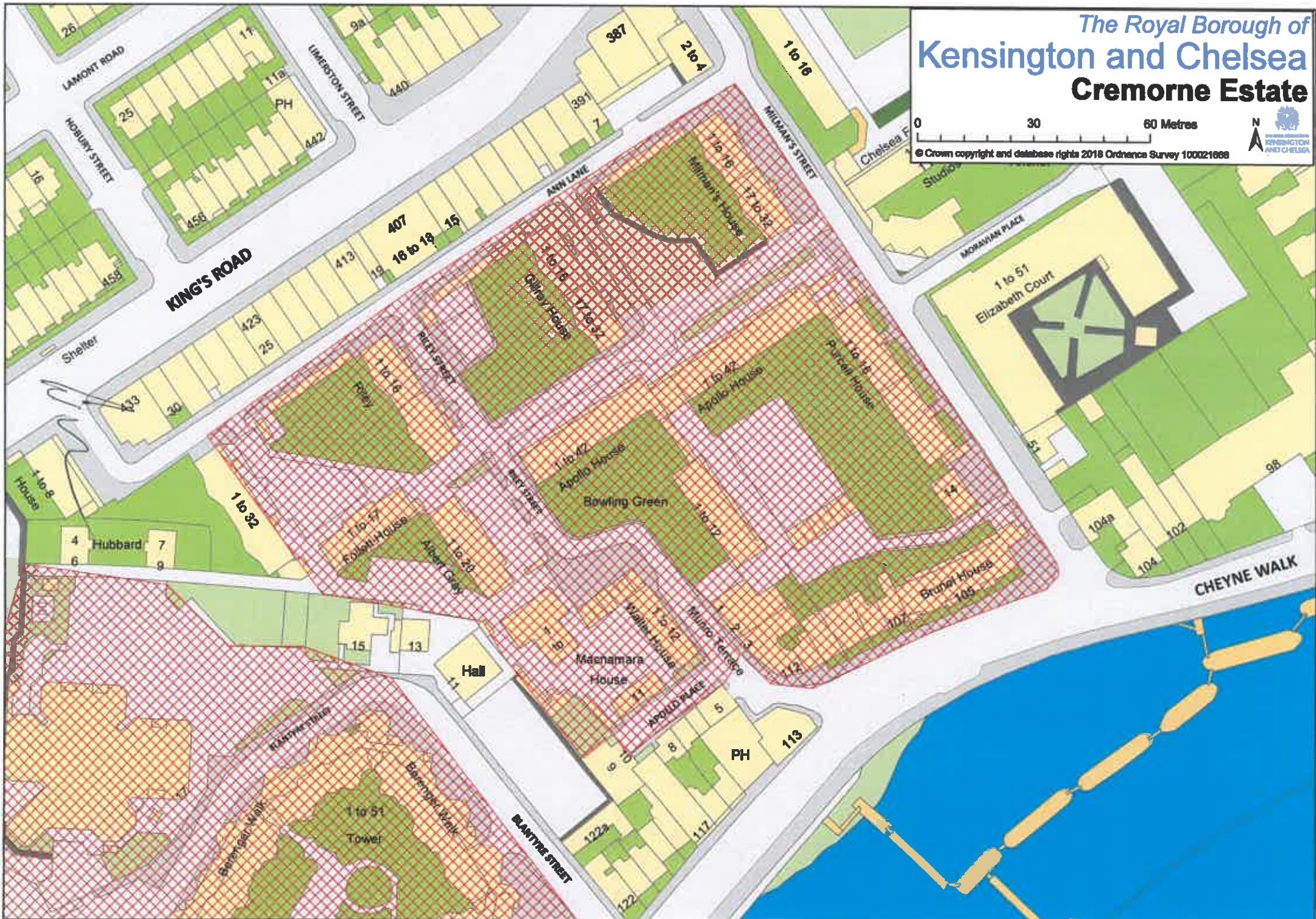
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The Royal Borough of Kensington and Chelsea Cremorne Estate

0 30 60 Metres

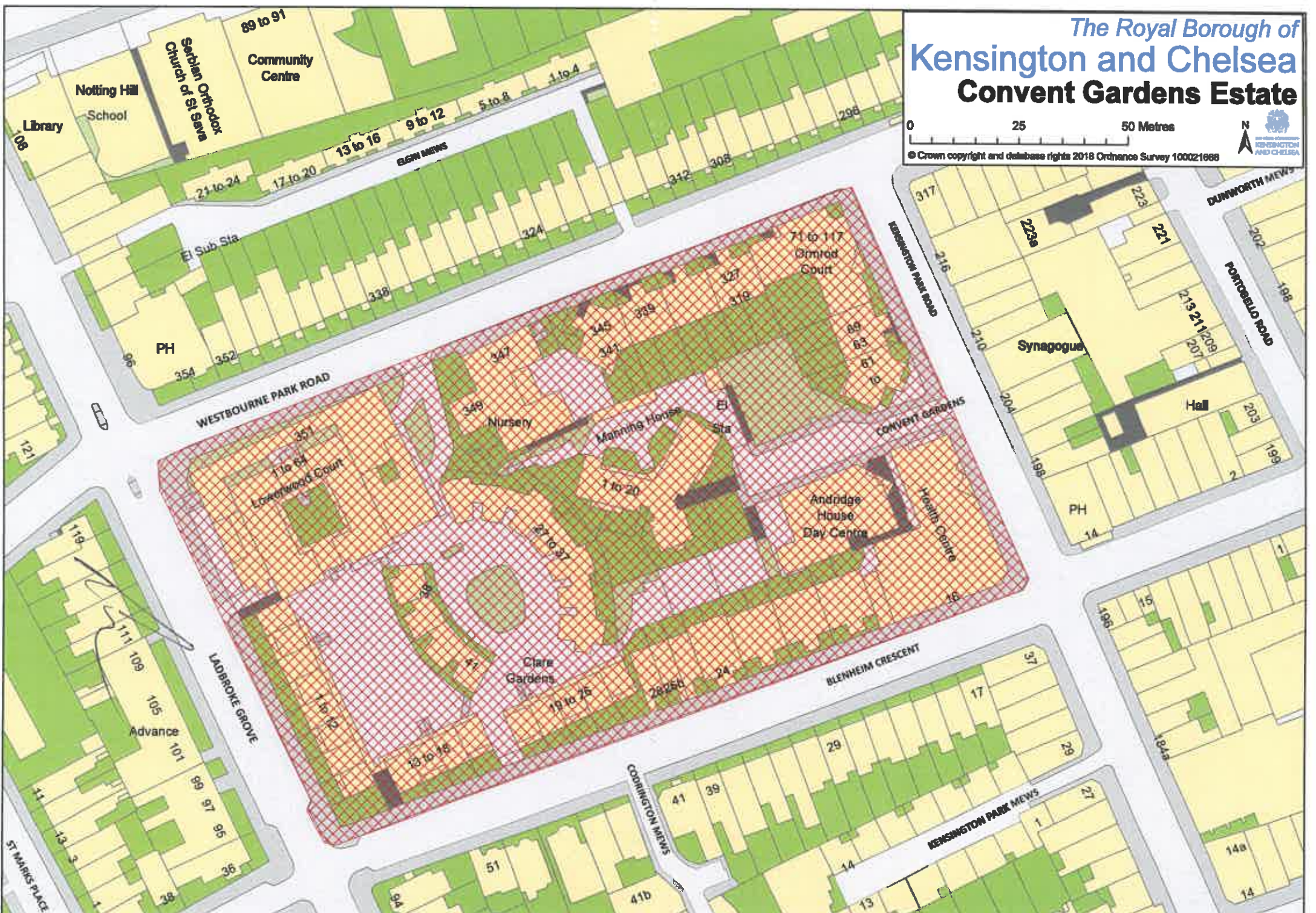
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The Royal Borough of Kensington and Chelsea Convent Gardens Estate

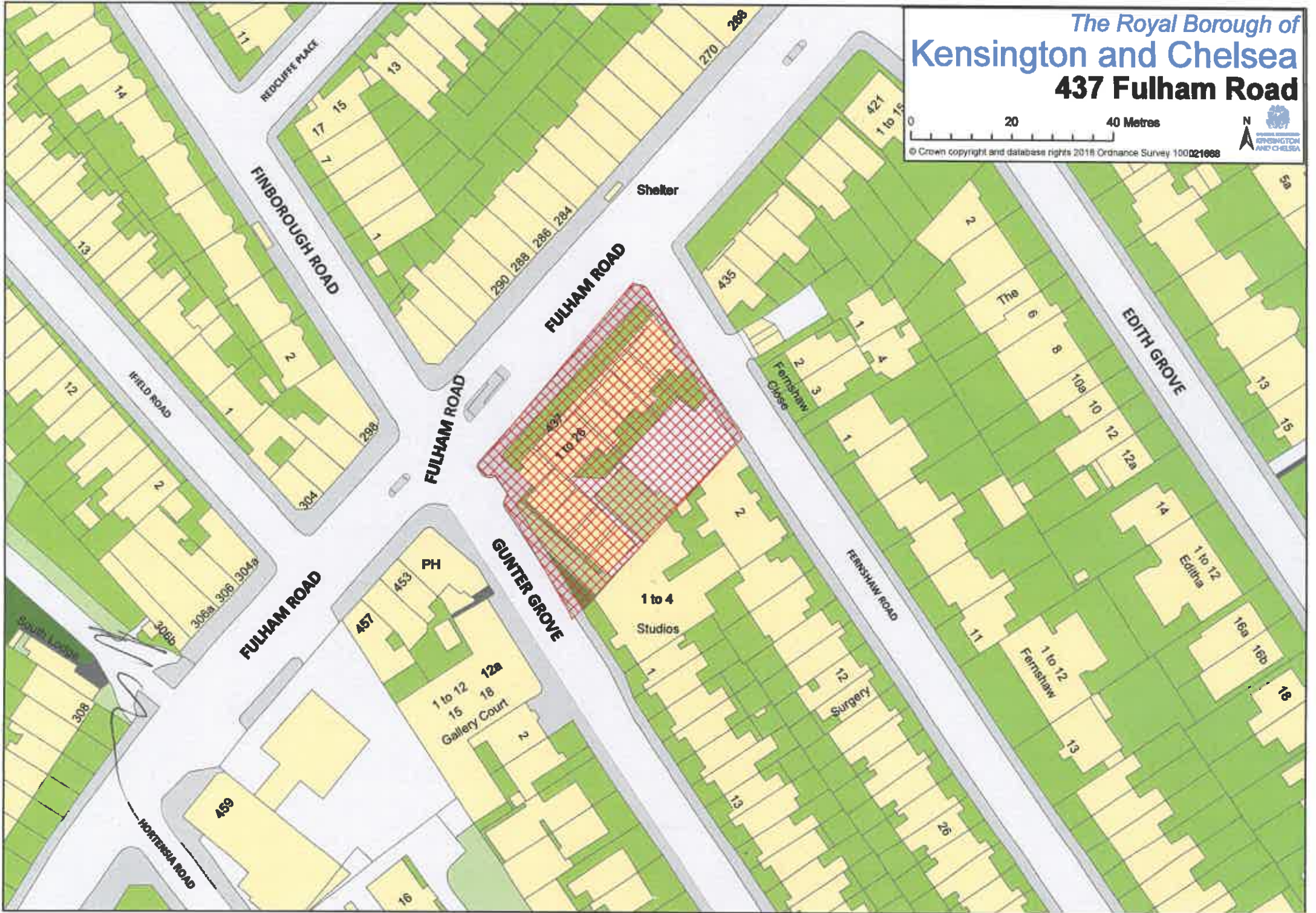
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The Royal Borough of
Kensington and Chelsea
437 Fulham Road

0 20 40 Metres
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HOLLAND PARK AVENUE

The Royal Borough of
Kensington and Chelsea
Grove House

0 12.5 25 Metres

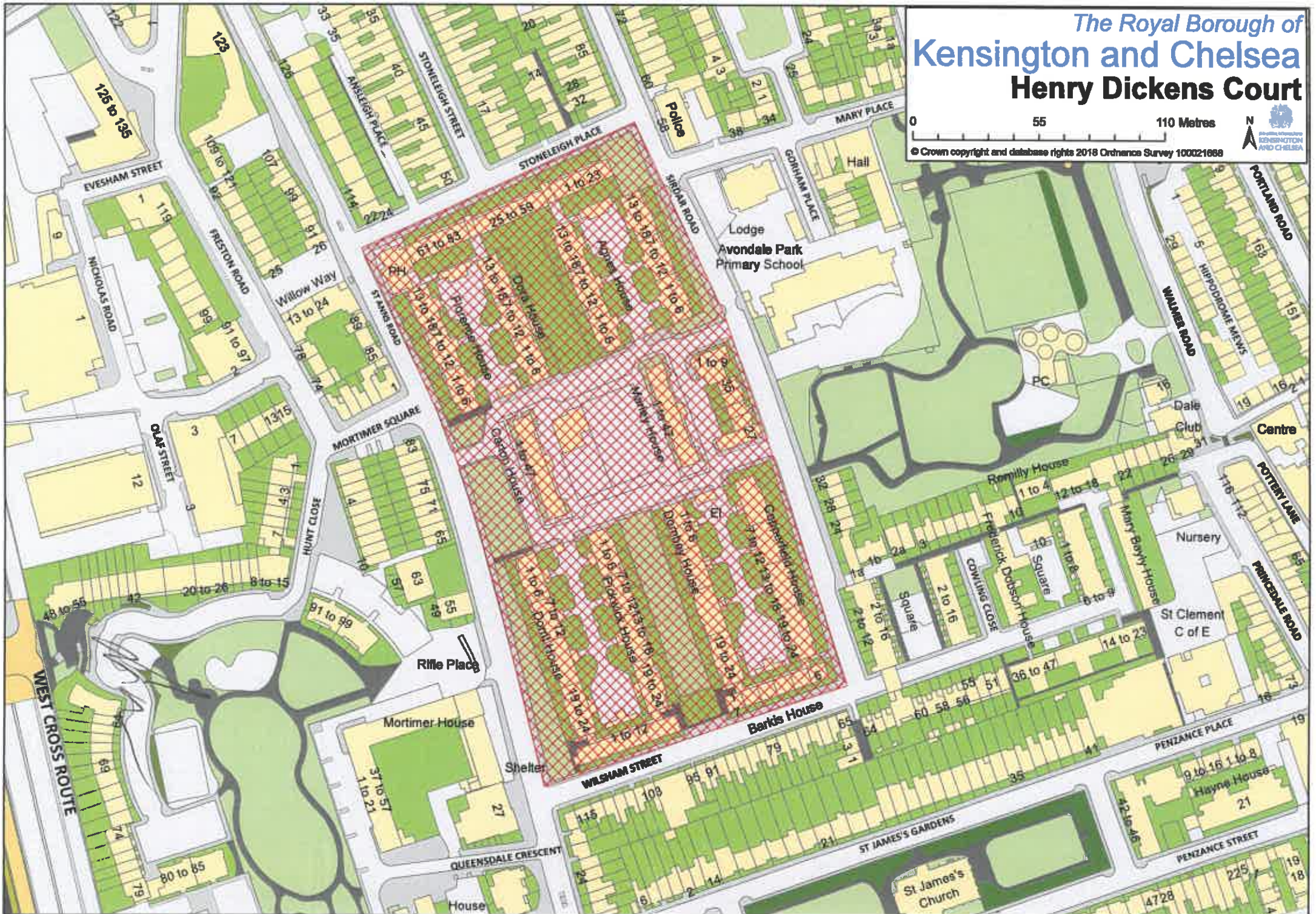
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The Royal Borough of Kensington and Chelsea Henry Dickens Court

0 55 110 Metres

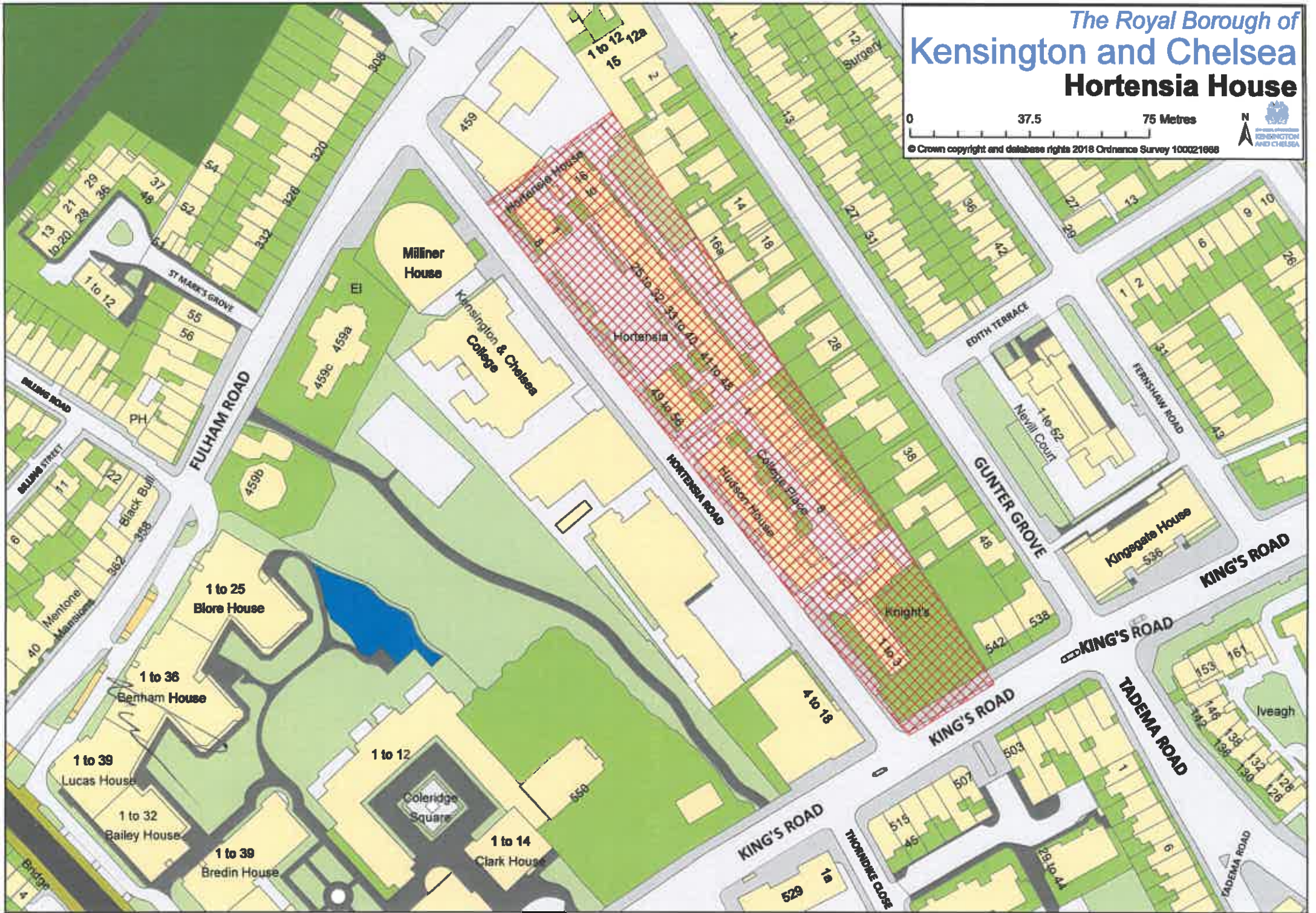
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The Royal Borough of
Kensington and Chelsea
Hortensia House

0 37.5 75 Metres

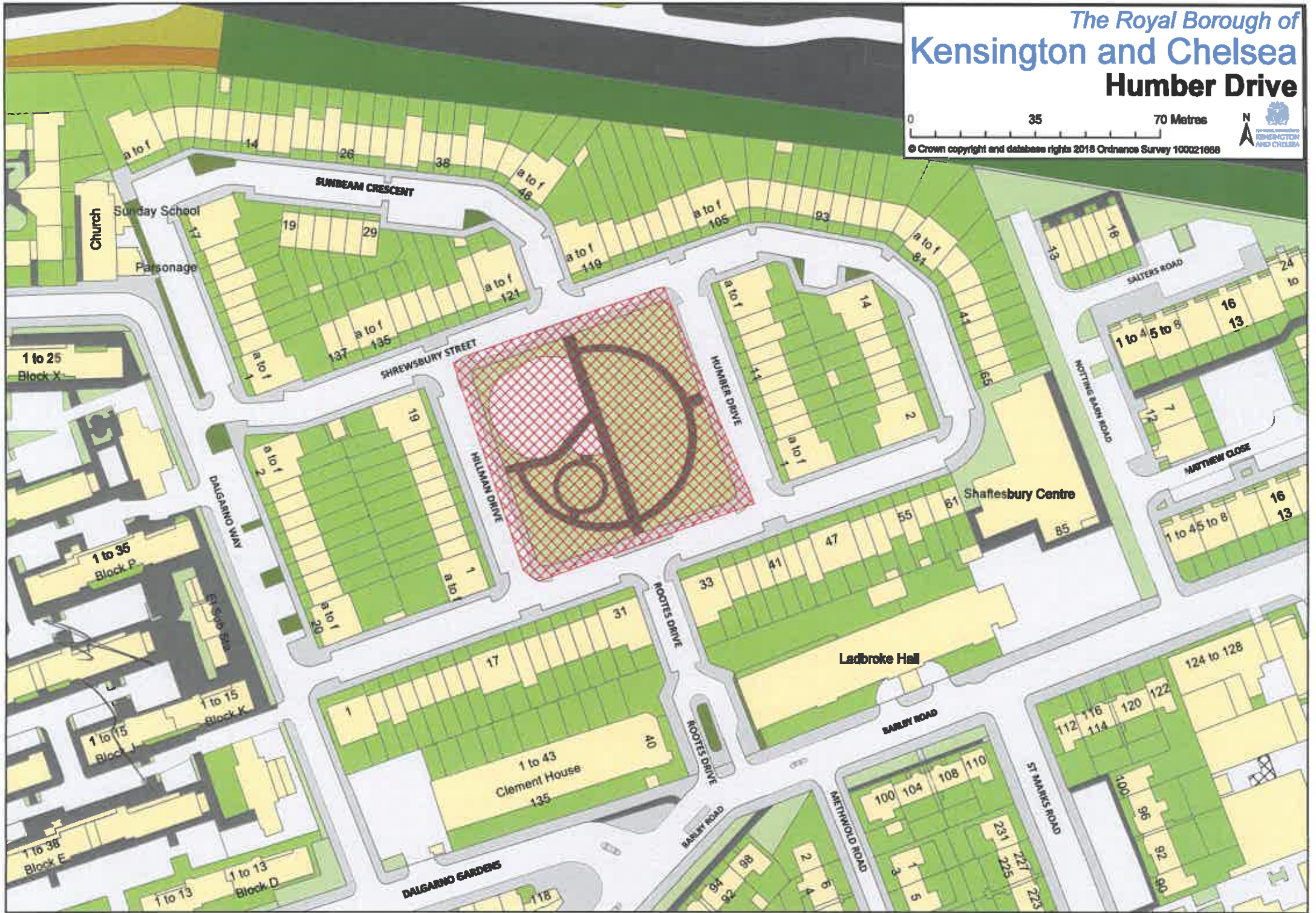
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The Royal Borough of Kensington and Chelsea Humber Drive

0 35 70 Metres

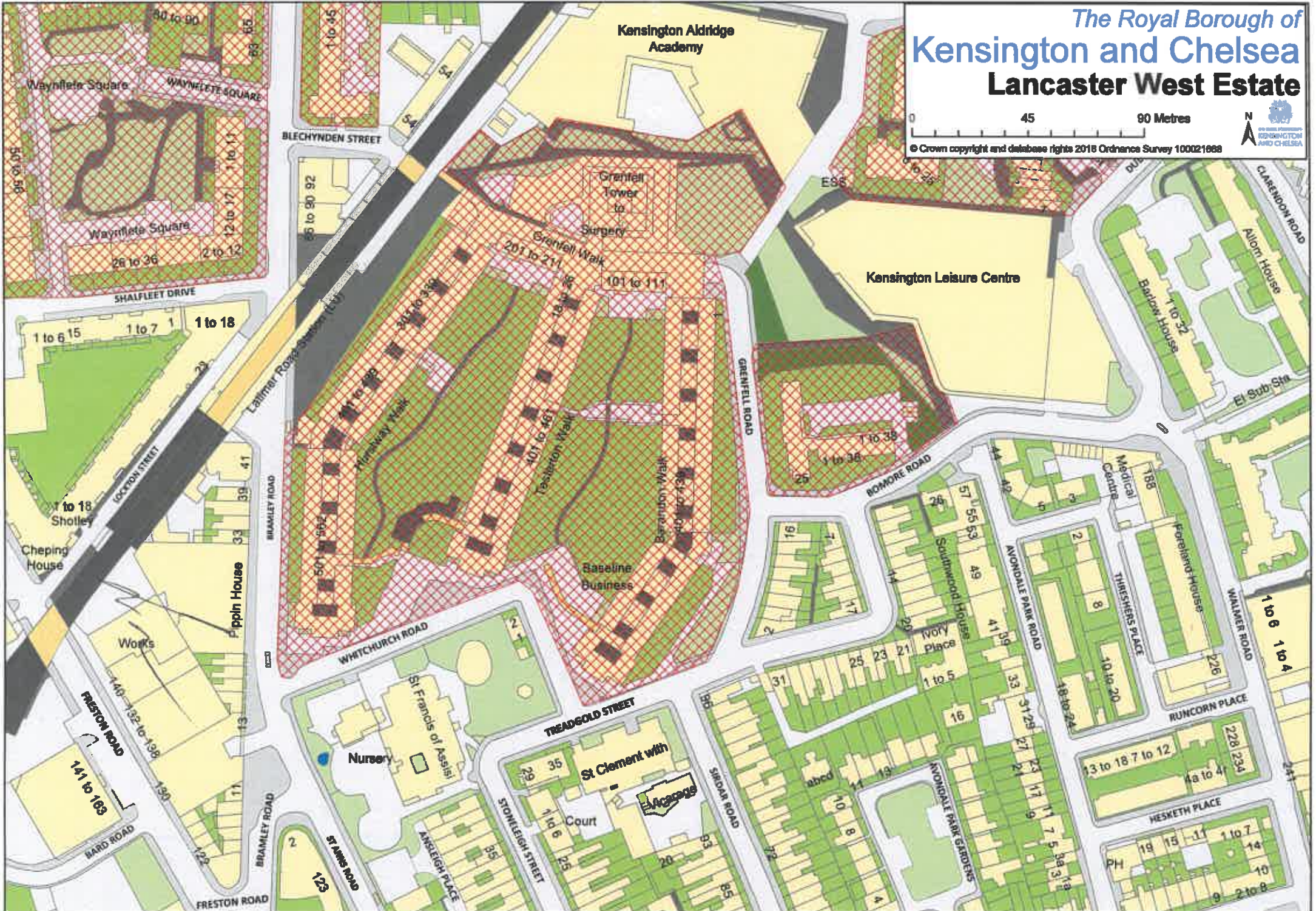
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The Royal Borough of Kensington and Chelsea Lancaster West Estate

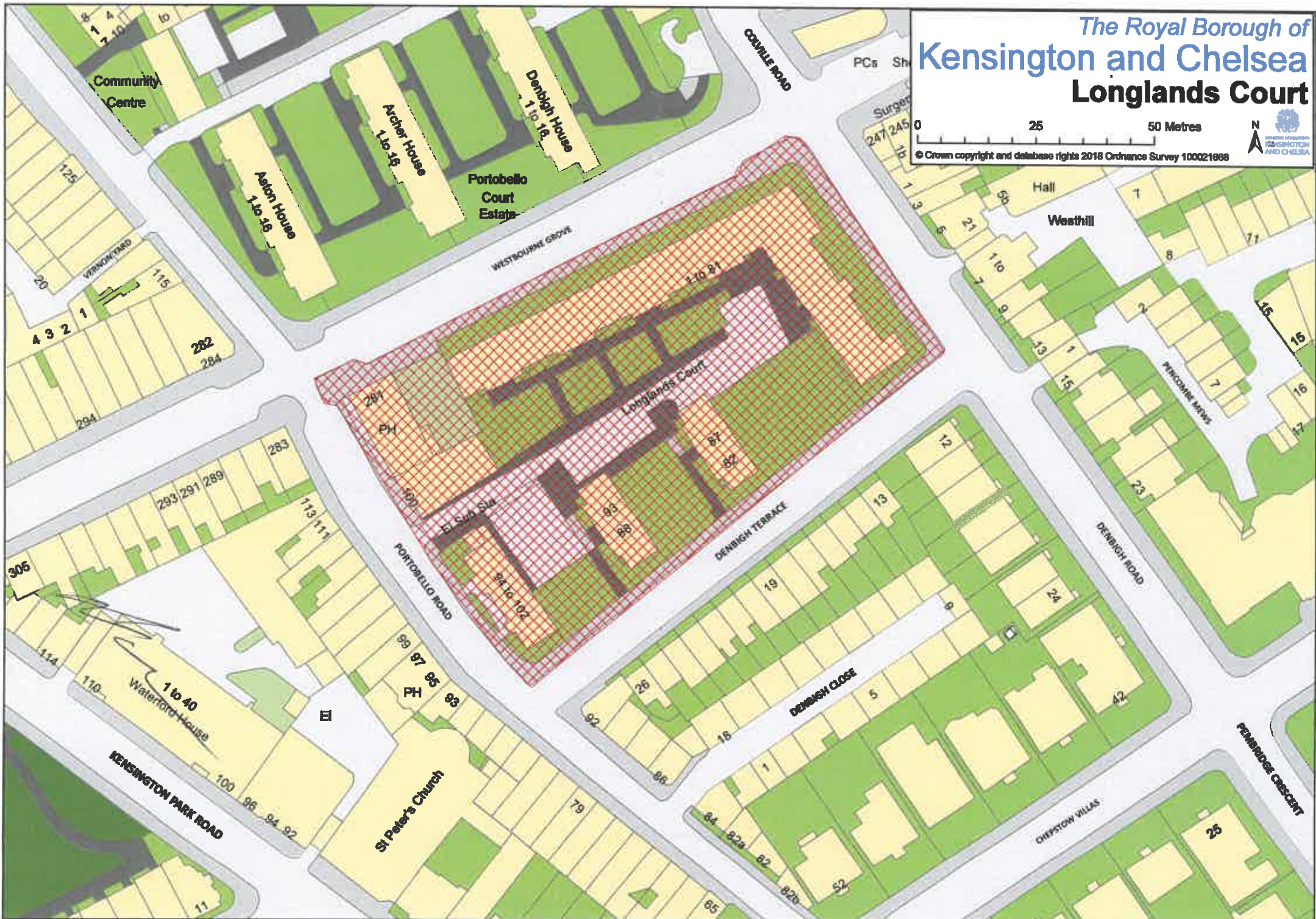
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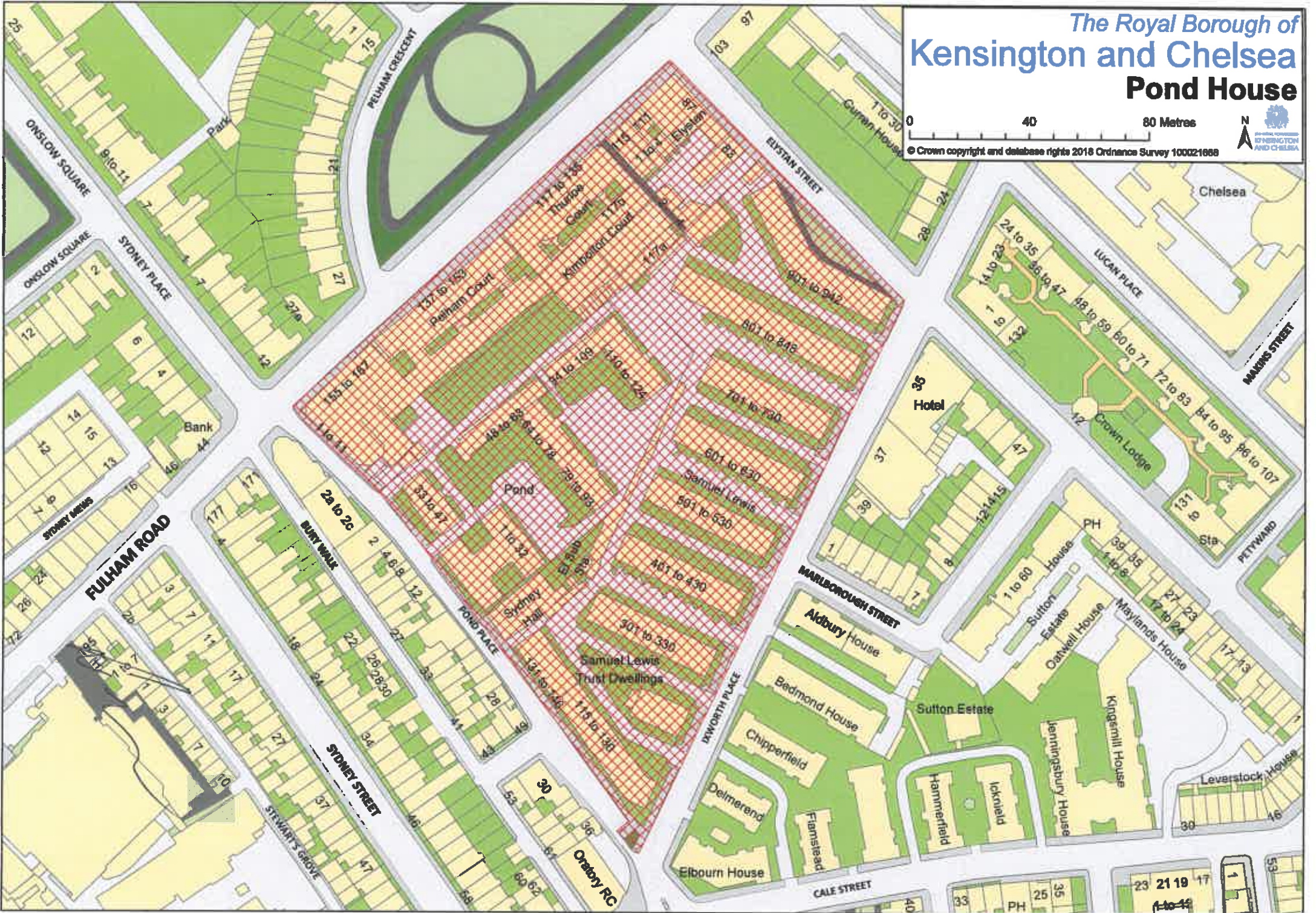
The Royal Borough of
Kensington and Chelsea
Longlands Court

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The Royal Borough of Kensington and Chelsea Pond House

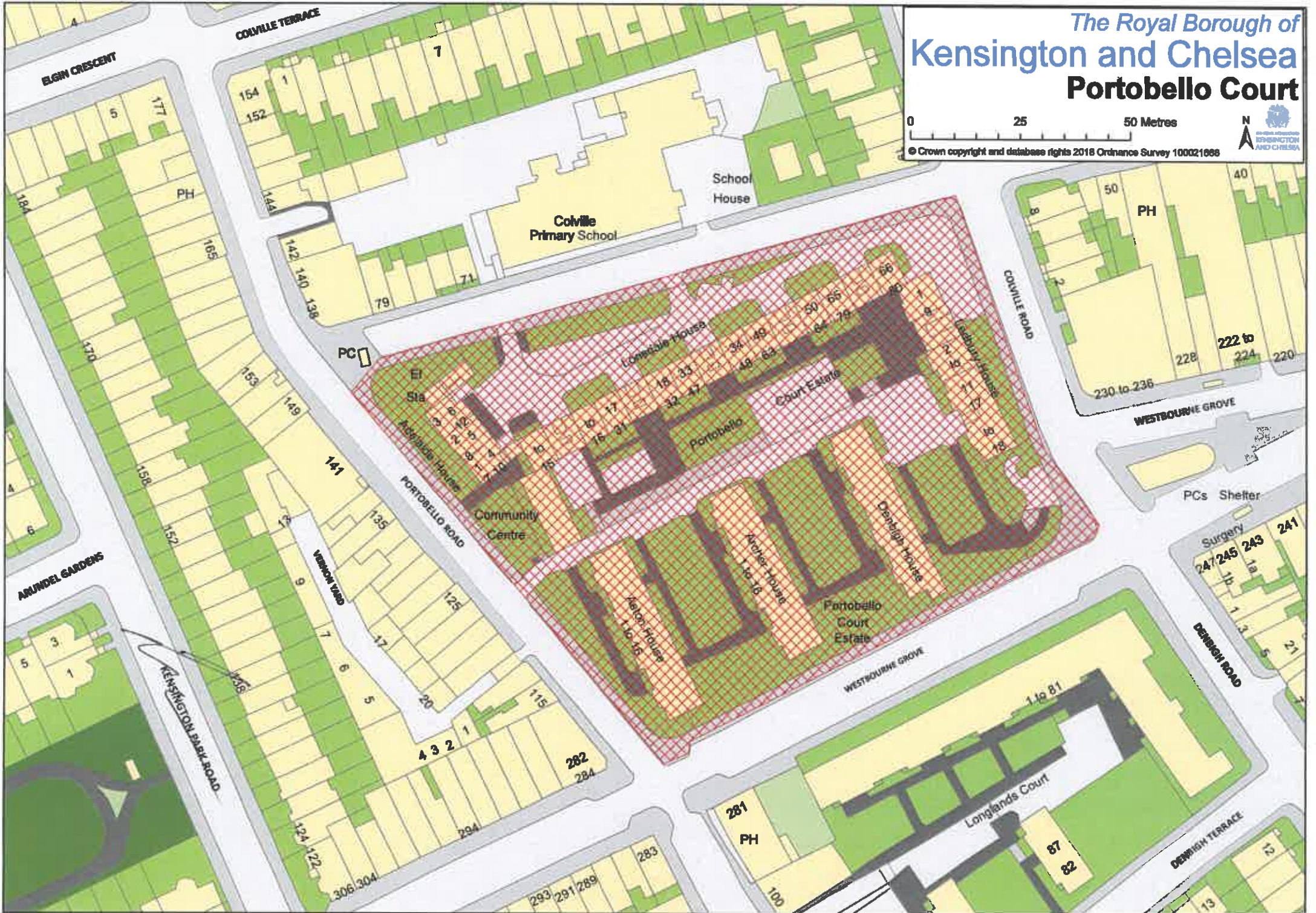
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The Royal Borough of
Kensington and Chelsea
Portobello Court

0 25 50 Metres

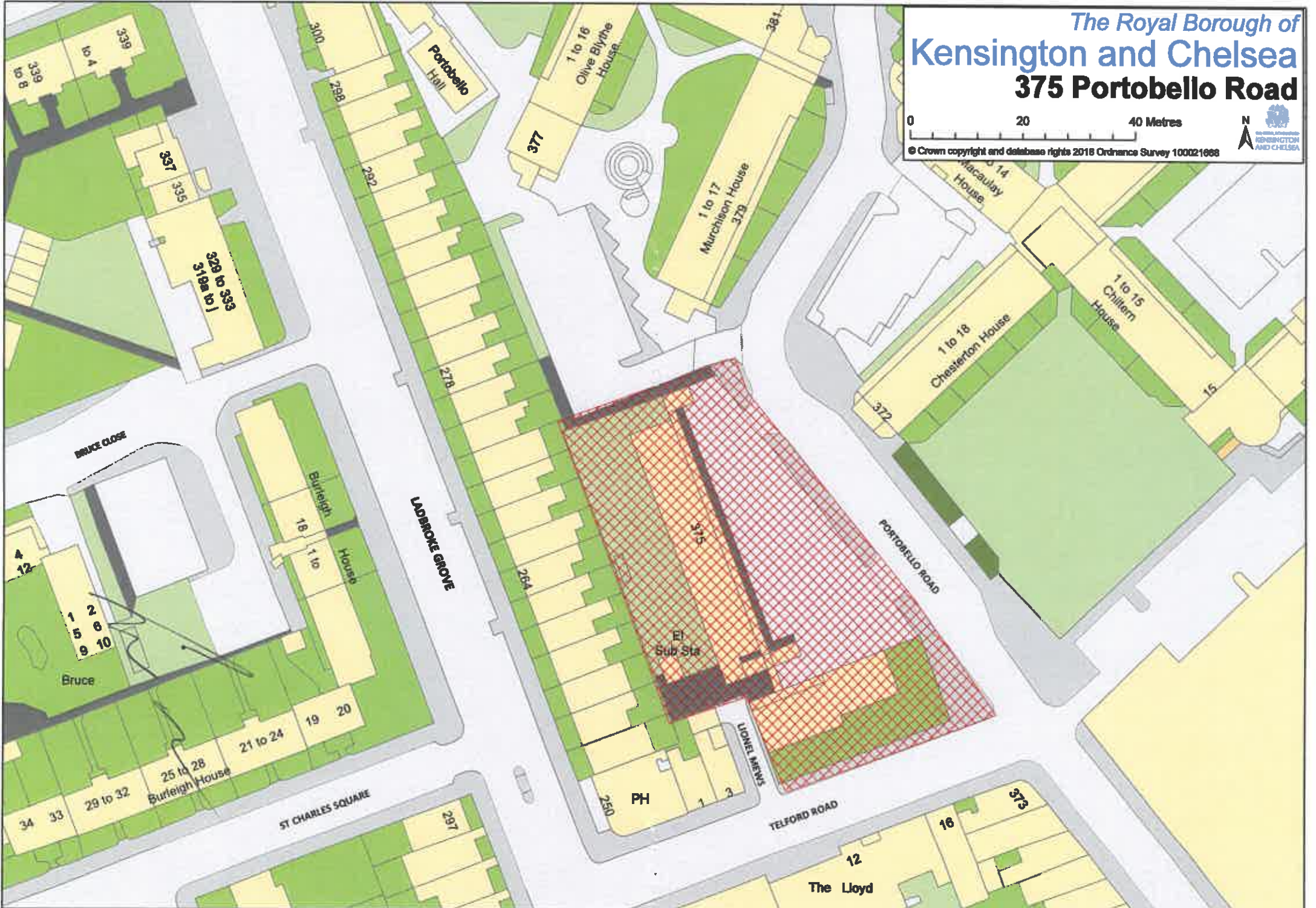
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The Royal Borough of
Kensington and Chelsea
375 Portobello Road

0 20 40 Metres

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Westway Sports Centre

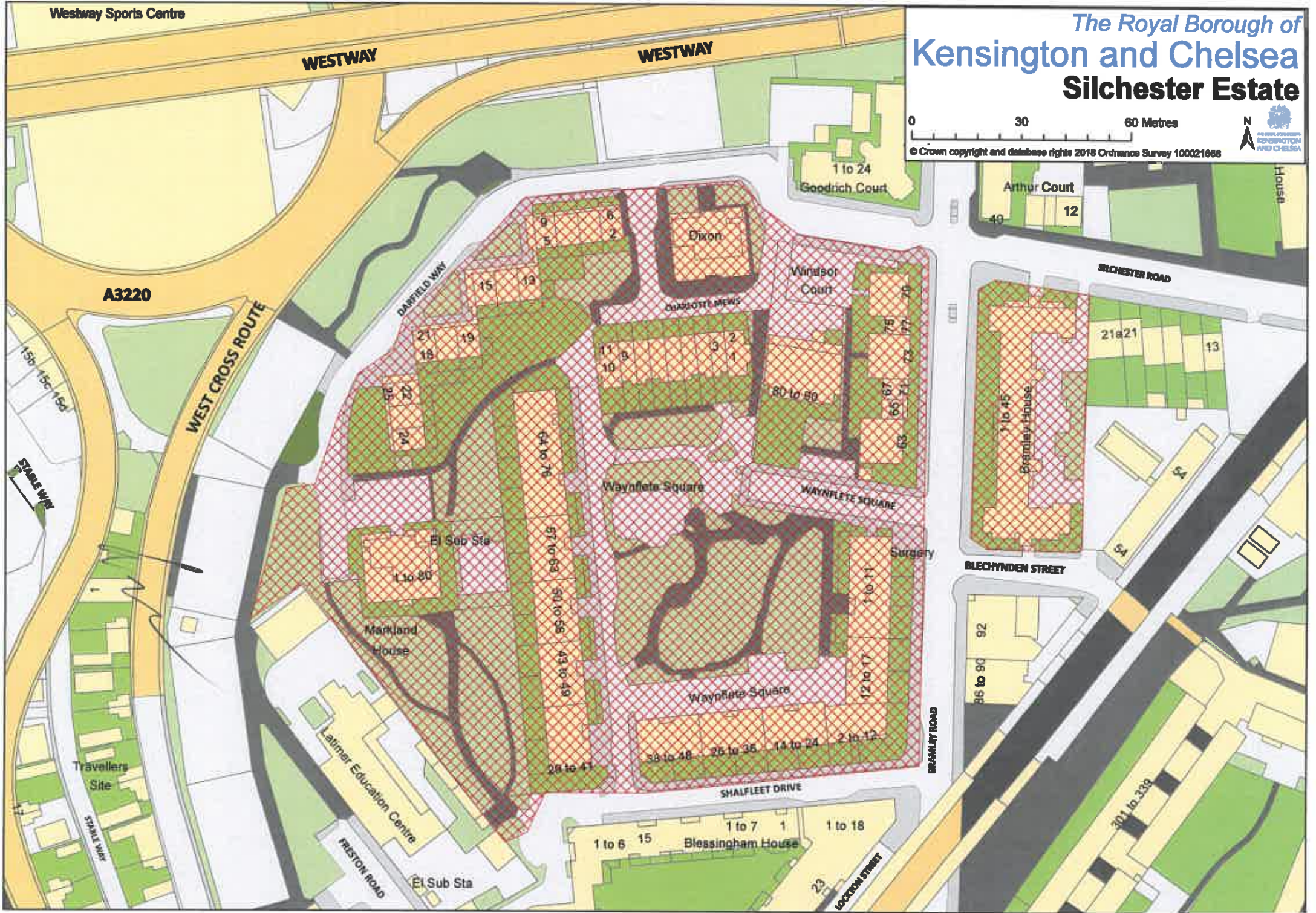
WESTWAY

WESTWAY

The Royal Borough of Kensington and Chelsea Silchester Estate

0 30 60 Metres

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A3220

WEST CROSS ROUTE

SPARK WAY

DARFIELD WAY

QUASSETT MEWS

1 to 24
Goodrich Court

Arthur Court

SILCHESTER ROAD

21a/21

1 to 45
Bramley House

24

24

BLECHYNDEN STREET

36 to 90
92

BRAMLEY ROAD

301 to 339

SHALFLEET DRIVE

1 to 6 15 Blessingham House 1 to 7 1 1 to 18

23
LOCKTON STREET

Latimer Education Centre
PRESTON ROAD

El Sub Sta

Travellers Site

SPARK WAY

El Sub Sta

Markland House

1 to 80

9 6
5 2
15 12

Dixon

Windsor Court

11 8
10 4

80 to 80

75 70
72 77

66 67
63

Waynflete Square

WAYNFLETE SQUARE

Surgery

1 to 11

Waynflete Square

12 to 17

28 to 41

38 to 48

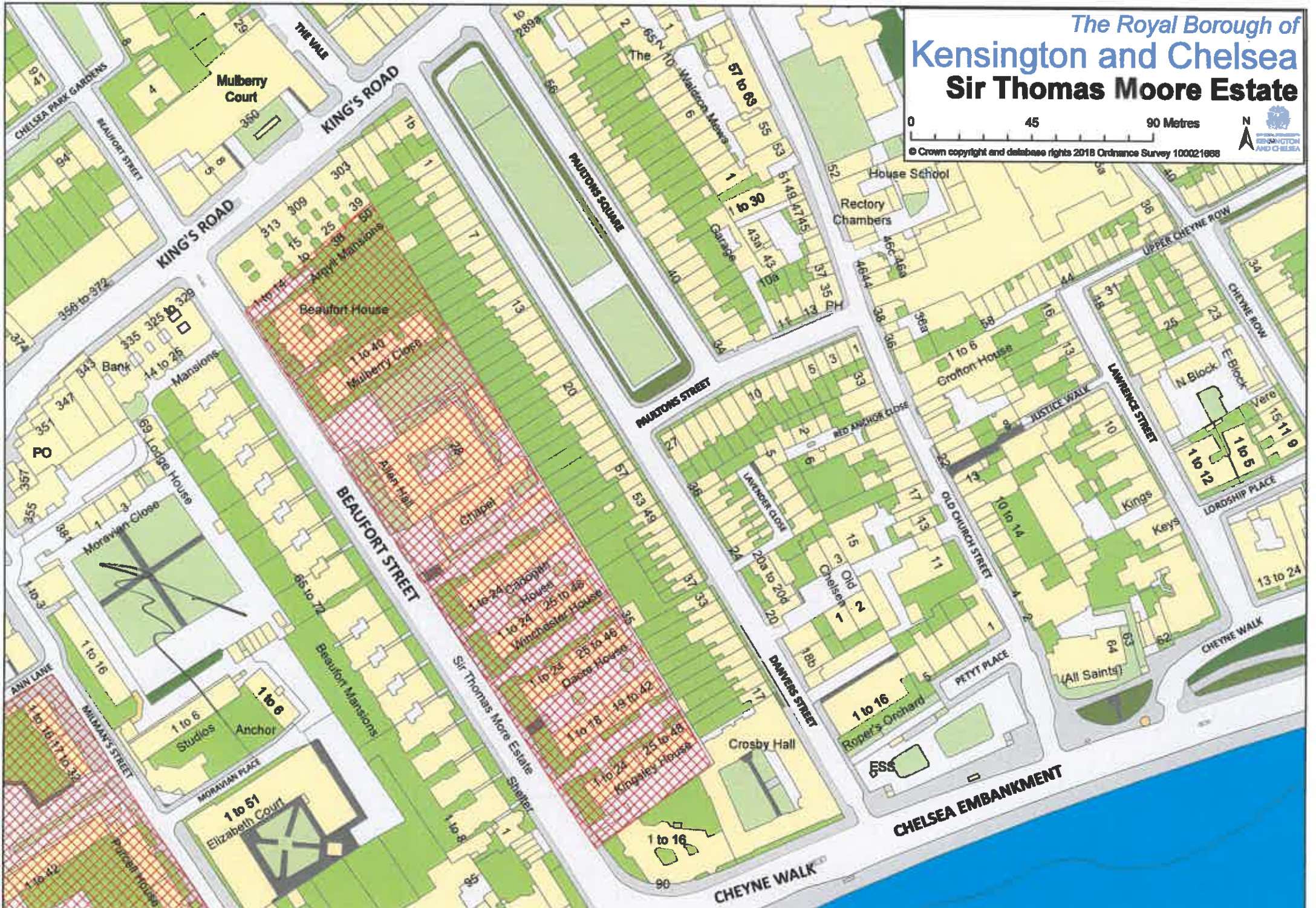
26 to 36

14 to 24

2 to 12

The Royal Borough of Kensington and Chelsea Sir Thomas Moore Estate

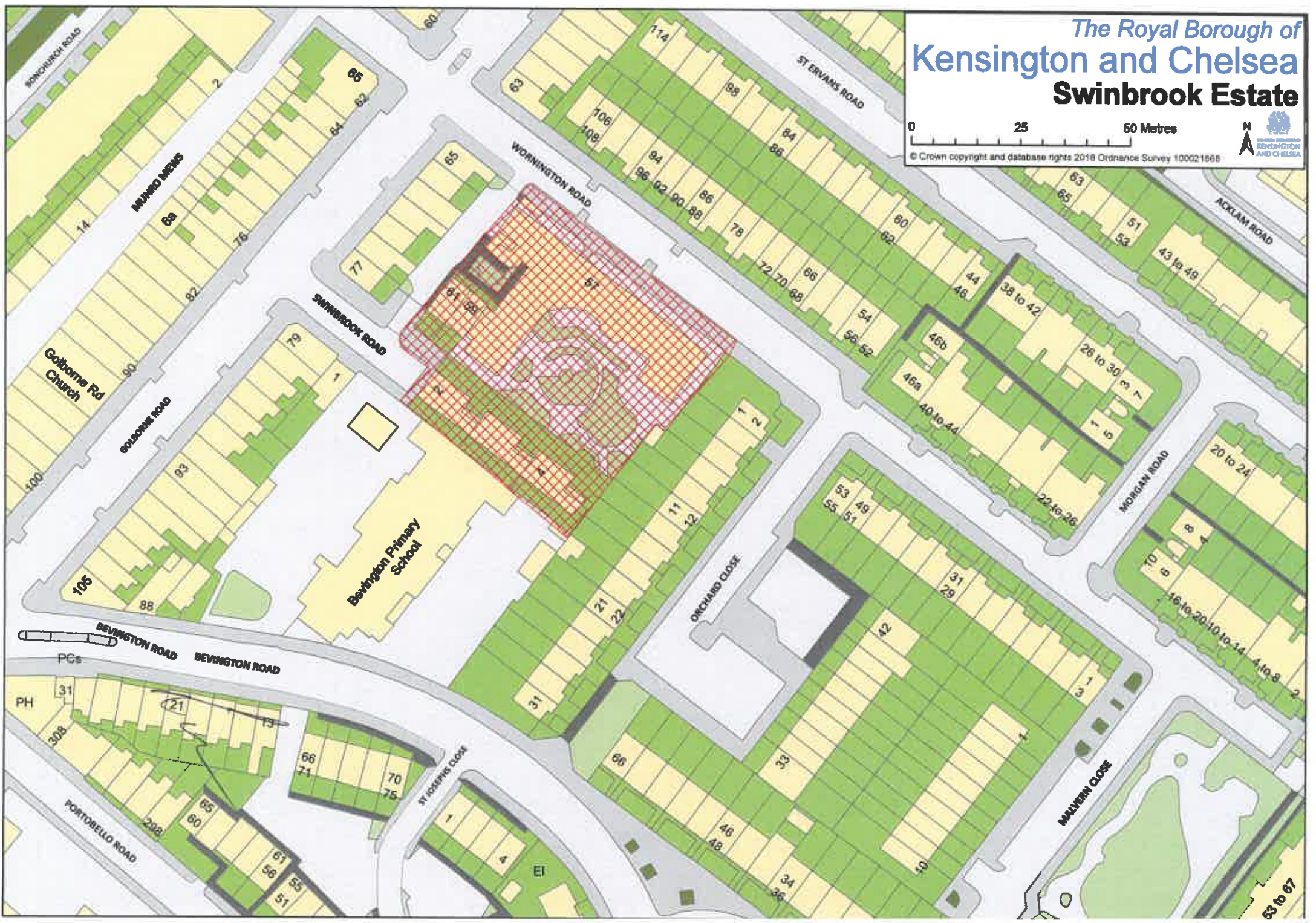
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The Royal Borough of
Kensington and Chelsea
Swinbrook Estate

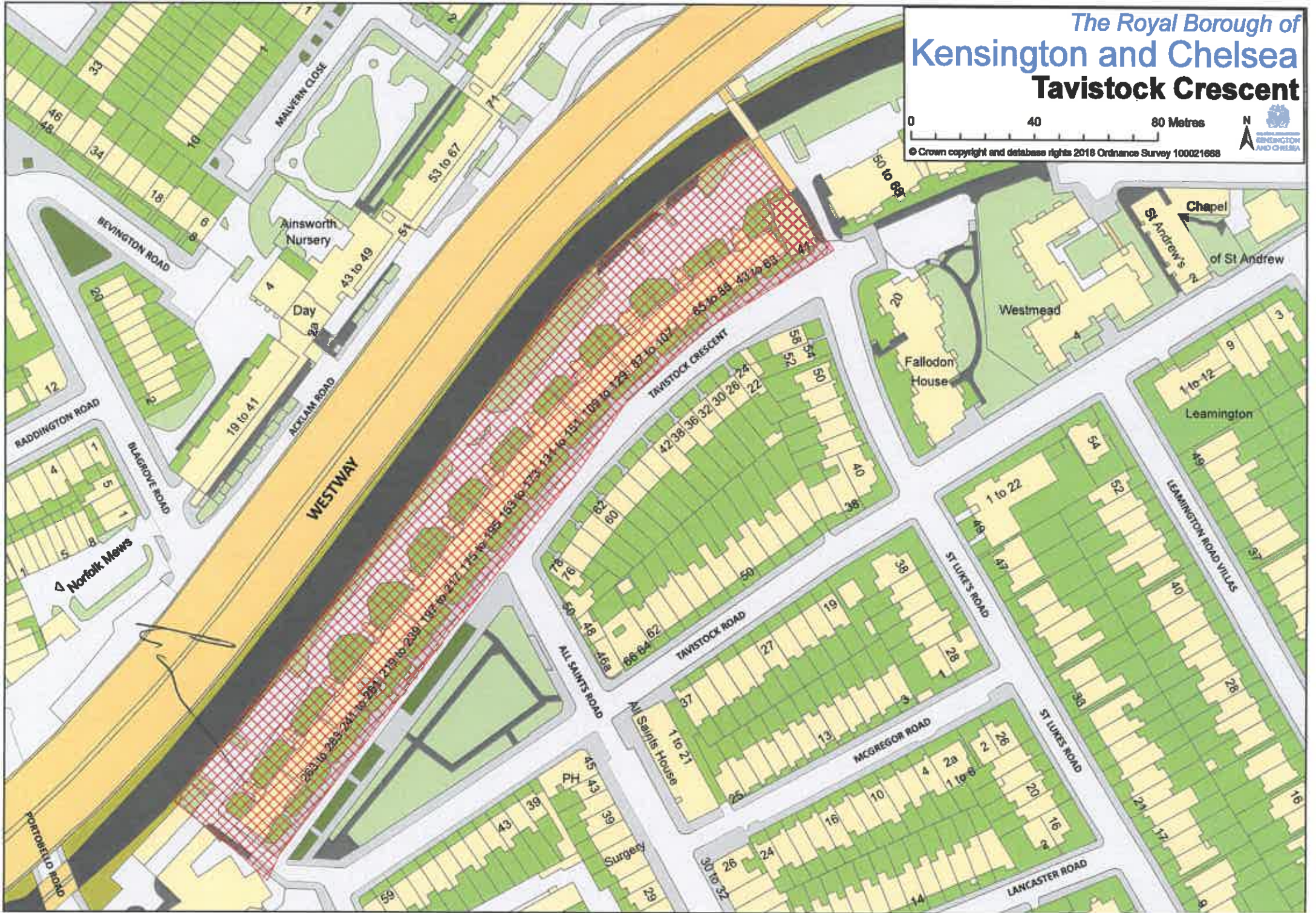
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The Royal Borough of
Kensington and Chelsea
Tavistock Crescent

0 40 80 Metres
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The Royal Borough of
Kensington and Chelsea
Treadgold House

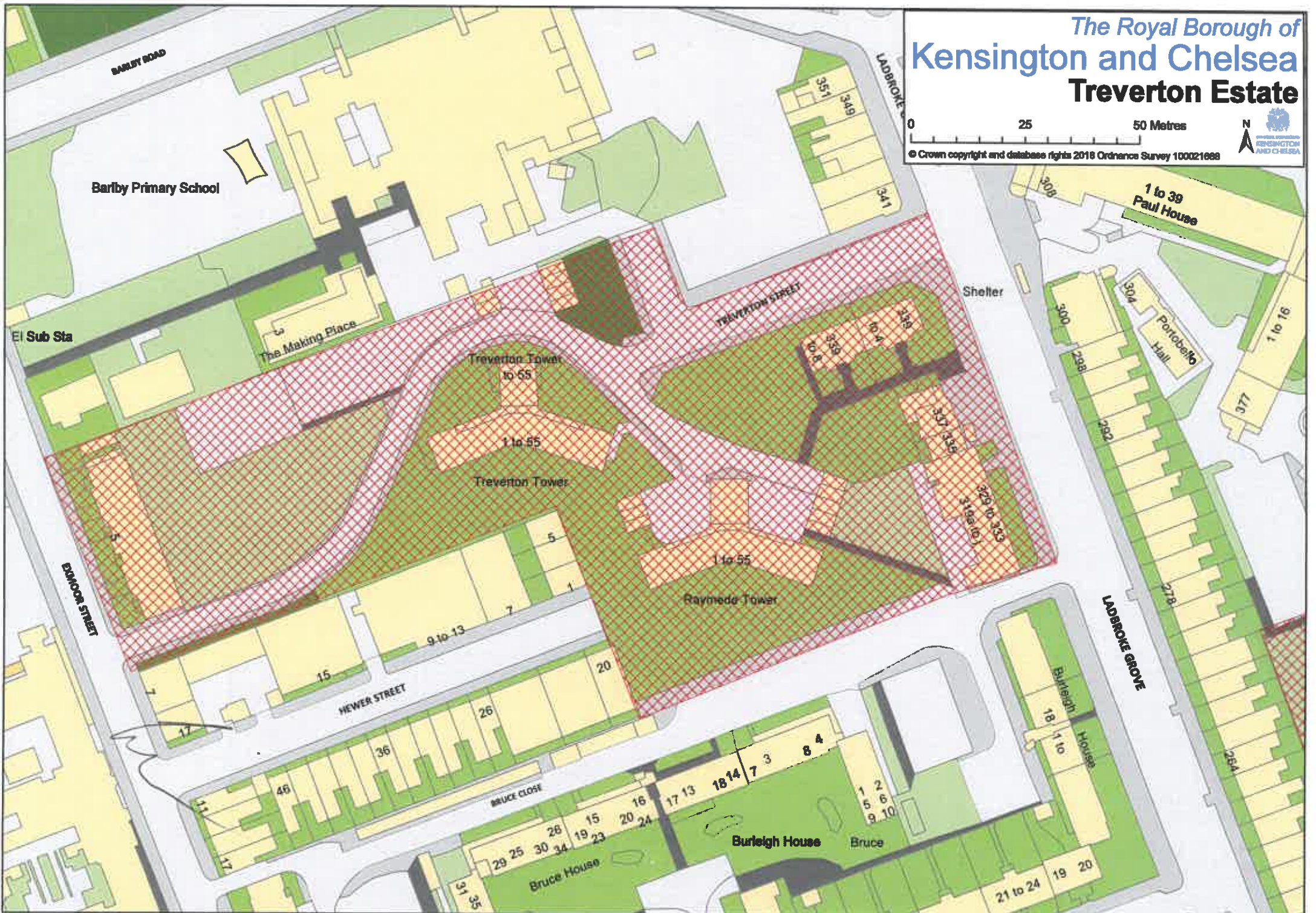
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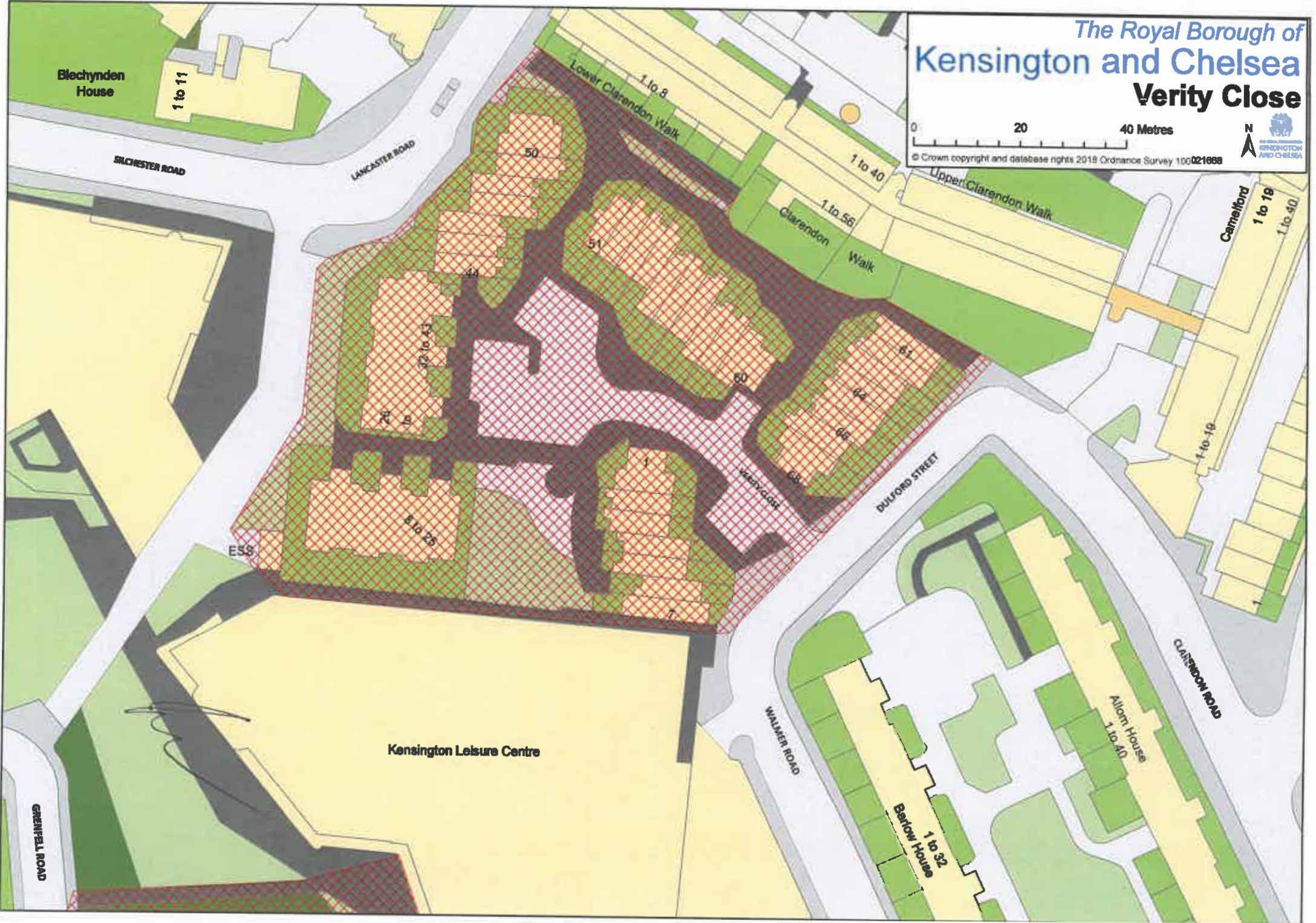
The Royal Borough of Kensington and Chelsea Treverton Estate

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The Royal Borough of Kensington and Chelsea Verity Close

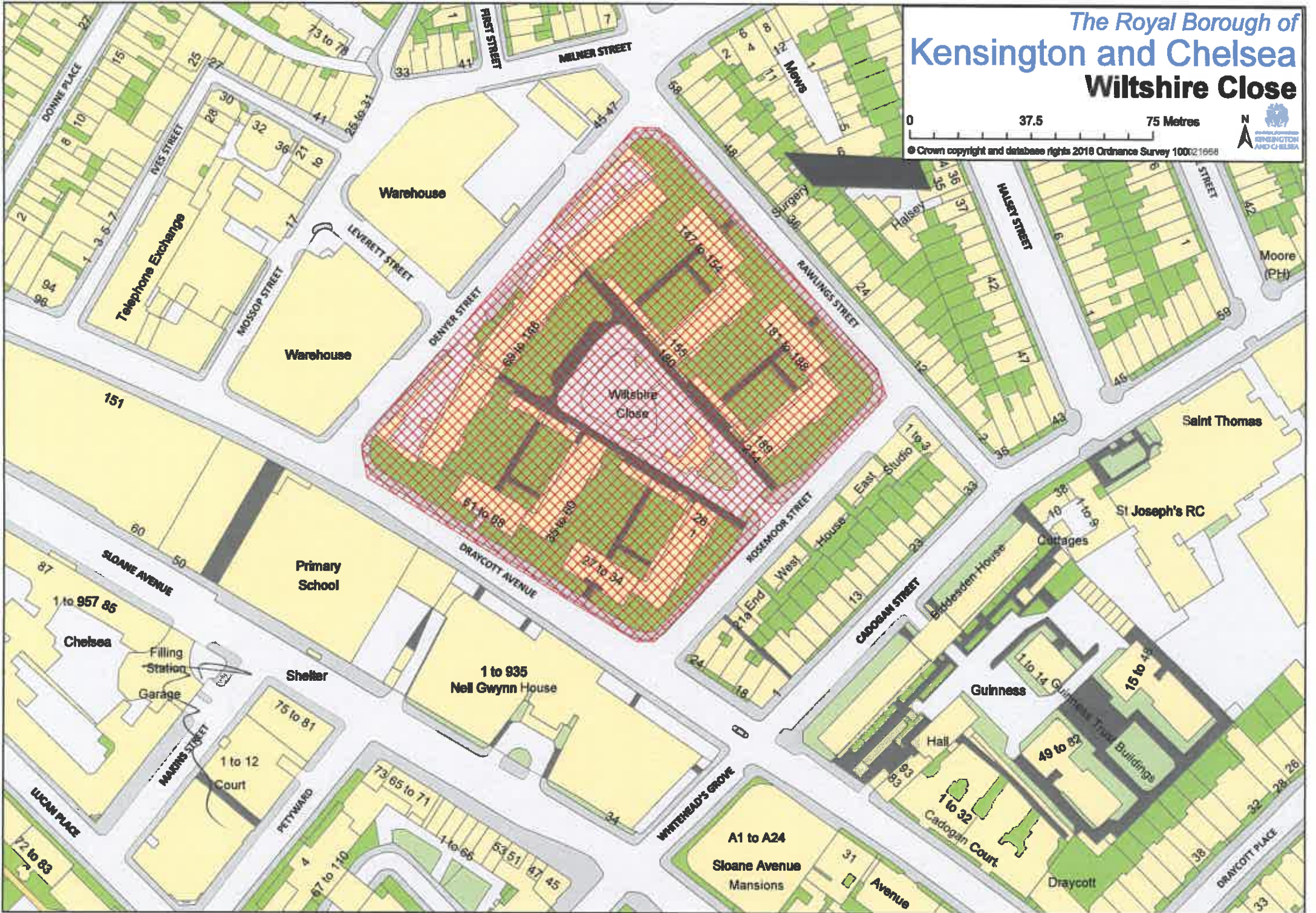
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N
THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



The Royal Borough of
Kensington and Chelsea
Wiltshire Close

0 37.5 75 Metres

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The Royal Borough of Kensington and Chelsea Worlds End Estate

0 50 100 Metres

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