

# **The Public Spaces Protection Order (Borough Wide) (Harrow Council) 2021**

Harrow Council (“The Authority”) has made the following Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”)

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

In this Order an “Authorised Officer of the Authority” means any employee of the authority who is authorised in writing by the Authority for the purpose of giving directions under this Order. “The Restricted Area” relates to all public spaces within the London of Borough as shown in schedule 1, apart from the offence of smoking in a children’s play area where the restricted area is detailed in schedule 2 of this order.

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

## **Offences**

### **1. Prohibition of Alcohol Consumption**

- 1.1. Any person who, without reasonable excuse, continues consuming alcohol in the restricted area when asked not to continue to consume alcohol by a constable or an Authorised Officer commits an offence.
- 1.2. Any person who, without reasonable excuse, fails to surrender any alcohol in their possession when asked to do so by a constable or an Authorised Officer commits an offence.
- 1.3. The restricted area relates to all public spaces in the London Borough of Harrow administrative area shown in red on the plan shown in schedule 1 of this order.

### **Penalties**

- 1.4. 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 2 on the standard scale.

### **2. Urinating, Defecating and Spitting**

- 2.1 No person shall urinate, defecate or spit within any public place within the administrative area of the London Borough of Harrow (“the restricted area”) shown in red on the plan shown in schedule 1 of this order.
- 2.2 Any person who without reasonable excuse fails to comply with this prohibition commits an offence. With regards spitting, it shall not be deemed an offence if carried out into a handkerchief, tissue, bin or other suitable receptacle

### **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 prohibition relates to all public spaces in the London Borough of Harrow administrative area shown in red on the plan shown in schedule 1 of this order (“The Restricted Area”)
- 3.2 If a dog defecates at any time on land to which this Section applies and a 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 they have a reasonable excuse for failing to do so.
- 3.3 If a person who is in charge of a dog does not have or produce when requested by a constable or an Authorised Officer a receptacle for picking up dog faeces, that person shall be guilty of an offence
- 3.4 A receptacle is defined as any object capable of holding faeces for disposal
- 3.5 By way of guidance a trouser or coat or other pocket, a handbag, purse or sports bag is not such an item for the purpose of this article.
- 3.6 For the purposes of this offence:
- (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.

#### **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. Driving over Footways, Footpaths and Verges**

- 4.1 This prohibition applies to any footway or footpath, maintainable at the public expense, or any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including adjoining footpaths within the restricted area.
- 4.2 The “restricted area” relates to all public spaces in the London Borough of Harrow administrative area shown in red on the plan shown in schedule 1 of this order.
- 4.3 If a person drives over any footway, footpath or verge as defined in 4.1 above within the restricted area, that person shall be guilty of an offence, unless the reason is for the purposes of emergency vehicles gaining access to, or attending to, an incident.

#### **Penalties**

- 4.4 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. Smoking in Play Areas**

- 5.1 Smoking of any tobacco or tobacco related product, smokeless tobacco product including electronic cigarettes, herbal cigarettes or any illegal substance, within the boundary of the children's play areas
- 5.2 The restricted areas to which this prohibition applies is listed in Schedule 2 of this order

### **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.