



LBTH

## Anti-Social Behaviour, Crime and Policing Act 2014

### Dog Fouling and Dog Control

### Public Spaces Protection Order

The London Borough of Tower Hamlets ("the Council") in exercise of their powers under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("The Act") hereby makes the following order:

This order is made on **30 April 2025** and shall have effect for a period of 3 years thereafter, unless extended, varied or discharged by further order(s) under the Council's statutory powers.

#### Preliminary

The Council in making this Order is satisfied:

(a) on reasonable grounds that activities carried on in public places within the authority's area have had a detrimental effect on the quality of life of those in the locality or that it is likely that activities will be carried on in a public place within the area and that they will have such effect;

(b) that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, that it is or is likely to be such as to make the activities unreasonable, and that the restrictions are justified by the Order.

The Council is further satisfied that the prohibitions or requirements imposed are ones that are reasonable to prevent or reduce the detrimental effect from continuing, occurring or recurring.

In making this Order the Council has had regard to the rights and freedoms set out in the European Convention on Human Rights and has had, in particular, regard to Articles 10 and 11 of the Convention and is satisfied that the restrictions imposed by this Order are lawful, necessary and proportionate.

#### Definitions

In this Order the following definitions apply:

**"Person in Charge"** means the person who has the dog in their possession, custody or control at the relevant time or, if none, the owner or person who habitually has the dog in their possession.

**"Proper Control"** means a dog being on a lead (and muzzled if the dog requires it) or otherwise being at heel/close enough to the person in charge that it can be

physically restrained if necessary or can respond immediately to voice commands.

**"Public Place"** means any place in the administrative area of the Council to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of express or implied permission. The administrative area of the Council is delineated in the map attached at Schedule 1.

**"Lead"** means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not being used as a means of restraint so that the dog remains under a person's close control.

**"Restricted Area"** means the whole of the London Borough of Tower Hamlets as shown on the map attached at Schedule 1 and labelled 'Restricted Area'.

**"Authorised Person"** means a police officer, PCSO, authorised Council officer, and any other persons authorised by the Council to enforce this Order.

**"Assistance Dog"** means a dog that is trained to aid or assist a disabled person. The expression of 'disability' shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation.

## Offences

## Prohibitions and Requirements

### Part 1 Dog Fouling

1. If a dog defecates in any Public Place within the Restricted Area, at any time, the person who is in charge of the dog at the time must remove the faeces forthwith, 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 Public Place has consented (generally or specifically) to their failing to do so.
2. For the purposes of this Article –
  - a. Placing the faeces in a receptacle in the restricted area which is provided for the purpose, or for the disposal of litter or waste, shall be a sufficient removal from the Public Place;
  - b. 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.
3. This part of the Order applies to all Public Places within the Restricted Area.

## **Part 2 Dogs on a lead by direction**

1. A person in charge of a dog, at any time, within a Public Place in the Restricted Area, must comply with a direction given to them by an Authorised Person to put and keep the dog on a lead for such period and/or in such circumstances as directed by that person, unless they can show that:
  - 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 Public Place in question has consented (generally or specifically) to their failing to do so.
2. An Authorised Person may only give a direction under this Article if such restraint is considered by that person to be reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or other animal.
3. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not being used as a means of restraint so that the dog remains under a person's close control.
4. This part of the Order applies to all Public Places within the Restricted Area.

## **Part 3 Dogs on a lead in specified areas**

1. Within the Restricted Area a person in charge of a dog in any Public Place detailed in Article 2 of this Part 1 must keep that dog on a lead at all times, unless they can show that:
  - a. They have a reasonable excuse for doing so;
  - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.
2. This part of the Order applies to:
  - a) All public roads, pavements and car parks
  - b) All estate roads and communal areas on estateswithin the Restricted Area.

## **Part 4 Dog exclusion areas**

1. Within the Restricted Area, a person in charge of a dog must not, at any time, take that dog onto, or permit a dog to enter or to remain on, any Public Place listed in Schedule 2-unless:
  - a. They have 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 their failing to do so.

2. This part of the Order applies to land identified as gated children's play areas and gated sports areas that are within:
  - c) Parks and open spaces (identified in schedule 2) and
  - d) Housing Estates (identified in Schedule 2)within the Restricted Area.

## **Part 5 Dog Handlers – maximum of four dogs**

1. Within the Restricted Area, no person shall be in charge of more than *four* dogs in any Public Place unless:
  - a. They have a valid professional dog walker license issued by London Borough of Tower Hamlets authorising that person to be in charge of more than four dogs at any time in a Public Place;
  - b. They have a reasonable excuse for doing so; or
  - c. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their being in charge of more than four dogs.
2. For the purposes of this article, a person who has a dog in their possession, custody or control shall be taken to be in charge of the dog(s).
3. This part of the Order applies to all Public Places within the Restricted Area.

## **Exemptions**

1. Nothing in this Order shall apply to a dog being used by or under the control of the police, contractors or agencies permitted by the Council for official purposes, or a person who:
  - a. Is registered as a blind person on 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 they rely for assistance; or
  - c. Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, who uses a dog for assistance, which has been trained to assist a person with a disability.

## **Offence and Penalty**

1. It is an offence under Section 67 of the Act for a person without reasonable excuse:
  - (i) to do anything that they are prohibited from doing under the Order or
  - (ii) to fail to comply with a requirement which they are subject to under the Order.

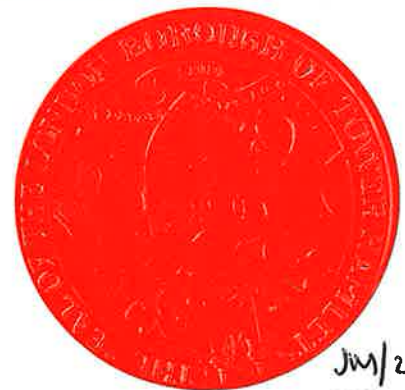
2. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. In the alternative, that person may be issued with a fixed penalty notice.

## Appeals

1. Any challenge to this Order must be made in the High Court by an interested person within six 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 power to challenge. The right to challenge also exists where an order is varied by the Council.
2. Interested persons can challenge the validity of this Order on two grounds, (i) that the Council does not have the power to make the Order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.
3. 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 totality. The High Court has the ability to uphold the Order, quash it, or vary it.

## Schedule 1

The Restricted Area



JM/28/2375

*[Signature]*



## Schedule 2 – Dogs on Leads in specified areas

### Part 2 Dog exclusion areas

This part of the order applies to all gated children's play areas and all gated sports areas in the administrative area

