

PROPOSED ORDER

Public Spaces Protection Order

Anti-Social Behaviour Crime and Policing Act 2014 s.59

The council of the London Borough of Wandsworth ("the council") hereby make this Public Spaces Protection Order pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

Preliminary

1. The council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the council's area and have had a detrimental effect on the quality of life of those in the locality, and that:

- 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 notice.

2. The council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

3. The council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

4. The land described in the schedule below ("the Restricted Areas") being land in the area of the council is land to which the Act applies and will be protected by the making of this Order.

5. This Order may be cited as the Patmore and Carey Gardens Co-operative Areas Public Spaces Protection Order 2018 ("the Order")

6. The effect of the Order is to impose conditions on the use of the Restricted Area.

The Activities

7. The Activities covered by this Order relate to:

- i. Using abusive, offensive, aggressive, threatening or intimidating language or behaviour and noise
- ii. Leaving or depositing any litter
- iii. Drugs
- iv. Exclusion areas
- v. Incitement

The Prohibitions and Requirements

Harassment and Nuisance

8. A person shall not use abusive, offensive, aggressive, threatening or intimidating language or behave in an aggressive, threatening or intimidating manner in the restricted area.
9. Assaulting or threatening any person with violence and/or being verbally abusive or offensive towards any person.
10. Intimidating any person or joining or being present in any group of two or more people in the restricted area acting in an anti-social manner that causes or is likely to cause alarm, harassment or distress to any person.
11. Carrying any firearm, imitation firearm, air weapon, pellet gun, ammunition, bladed instrument or sharply pointed instrument under any circumstances in the restricted area.
12. Wearing body armour anywhere in the restricted area.
13. Wearing any headgear, hat, baseball cap or other means used to conceal his/her identity in the restricted area.
14. Playing any music, shouting or banging, using any amplification equipment so as to cause nuisance, annoyance or distress to any person in the designated restricted area.
15. Loading or unloading sound equipment in the restricted area.
16. A person shall not leave or deposit any litter in the restricted area.

Drugs and Alcohol

17. Being in possession of drugs, or drug paraphernalia in the restricted area.
18. Touching any controlled drug, crack pipe, hypodermic syringe or silver foil in a restricted area.
19. Associating with persons concerned in the unlawful use or supply of controlled drugs.
20. Not to be under the influence of alcohol or illegal drugs in the restricted designated area, consuming alcohol or intoxicating substances in the restricted designated area other than licensed premises or at a venue where a temporary Event Notice is in place.
20. Being in possession of any opened vessel containing or purporting to contain alcoholic liquor.
21. Failing to surrender sealed containers of alcohol.
22. Urinating in any public place or communal areas of any building.

Schedule of the Restricted Areas

The Restricted Area means any place to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission, situated within the area delineated on the attached map. Where that boundary dissects certain roads, the detail of this is shown at Appendix 1.

Incitement

23. Inciting or encouraging other to commit any act prohibited by this Order.

General

An Authorised Officer means, a person authorised by the Local Authority, a Police Constable or Police Community Support Officer.

Period for which this Order has effect

This Order will come into force at midnight on 28 June 2018 and remain in place for a period of three years unless extended pursuant to Section 60 of the Act.

At any point before the expiry of this three year period the council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

What happens if this order is breached?

Section 63 of the Act says that it is a criminal offence for a person who fails without reasonable excuse to comply with a requirement not to consume alcohol (or anything which the Authorised Officer reasonably believes to be alcohol) or who fails to surrender anything which the Authorised Officer reasonably believes to be alcohol or a container for alcohol.

A person guilty of an offence under section 63 is liable on conviction in the Magistrates Court to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £100. An Authorised Officer may dispose of anything surrendered in the manner the Officer considers most appropriate.

Section 67 of the Act says that it is a criminal offence for a person without reasonable excuse –

- a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of a maximum of £100.

Fixed penalty

An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under sections 63 or 67 of the Act.

THE COMMON SEAL OF THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WANDSWORTH was affixed this

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In the presence of

The consultation will be open from March 5 2018 until April 2 2018

Restricted Area: Map and Additional Detail

Proposed zone for Public Spaces Protection Order



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