

**LONDON BOROUGH OF
WANDSWORTH**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING
ACT 2014**

**LONDON BOROUGH OF WANDSWORTH (CONSUMPTION OF
ALCOHOL, PSYCHOACTIVE SUBSTANCES) PUBLIC SPACES
PROTECTION ORDER 2025**

RECITALS

- A. The London Borough of Wandsworth (“the Council”) is satisfied that the requirements of Chapter 2 of Part 4, and specifically Sections 59 and 72, of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order.
- B. The Council is satisfied that the activities specified by this Order (“the prohibited activities”) have been and will continue to be carried on in public spaces in the Council’s area which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such anti-social behaviour resulting from the public consumption of psychoactive substances and alcohol in public places (other than premises excluded from this Order) and a lack of dog control.
- C. The Council, in making this Order, is satisfied on reasonable grounds that the prohibited activities have been carried out in the restricted area, and have had a detrimental effect on the quality of life of those in the locality and it is likely that those activities will continue to be carried out in the restricted area and will have that effect.
- D. The Council is further satisfied that the effect, or likely effect, of the activities-
 - a. is, or is likely to be of a persistent or continuing nature;
 - b. is, or is likely to be such as to make the activities unreasonable; and
 - c. justifies the restrictions imposed by this Order.
- E. The Council is satisfied that the prohibitions and requirements imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental

effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

- F. The Council has had regard to the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”) in so far as they may be affected by these Orders. 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 Convention and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

The Council of the London Borough of Wandsworth (in this Order called “the Council”) hereby makes the following Order pursuant to and in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”):

Part 1 - General

Citation

1. This Order may be cited as the London Borough of Wandsworth (Consumption of Alcohol, Psychoactive Substances) Public Spaces Protection Order 2025.

Commencement and Duration

2. Following renewal under section 60 of the Anti-social Behaviour, Crime and Policing Act 2014, this Order shall come into force on 1 October 2025 and will remain in force for the period of 3 years thereafter, unless extended, or discharged before that date.

Interpretation

3. In this Order –

“the Act” means Anti-social Behaviour, Crime and Policing Act 2014;

“alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any state) but does not include alcohol which is of a strength not exceeding 0.5% at the time of sale or supply;

“Authorised Person” means a Constable, Police Community Support Officer, Council Officer or other person authorised for the purposes of this Order by the Council;

“the Council” means the London Borough of Wandsworth;

“public place” means any place 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;

“Restricted Area” means the area identified in Article 4, subject to Articles 10 to 13.

Public Space effected by this Order

4. This Order applies in any public place within the administrative area of the Council (the Restricted Area).

Conditions on imposition of Requirements

5. (1) Where an authorised person imposes a requirement under this Order on a person (P) he or she must tell (P) that failing without reasonable excuse to comply with the requirement is an offence.

(2) A requirement imposed under this Order by an authorised person who is not a constable or police community support officer, is not valid if the person—
 - (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.

Part 2 – Anti-social Behaviour

Prohibition on consumption of alcohol

6. (1) Subject to paragraph (2) no person shall consume alcohol within the Restricted Area so as to cause, or be likely to cause nuisance or annoyance to any other person.
- (2) The prohibition in paragraph (1) does not apply to the premises etc. within the Restricted Area set out in Schedule 1 to this Order.
- (3) Paragraph (4) applies where an authorised person reasonably believes that a person (P) —
- (a) is or has been consuming alcohol in breach of paragraph (1), or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of that Article.
- (4) An authorised person may require P—
- (a) not to consume, in breach of paragraph (1), alcohol or anything which the authorised person reasonably believes to be alcohol;
- (b) to surrender anything in P's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.
- (5) An authorised person may dispose of anything surrendered under paragraph (4)(b) in whatever way he or she thinks appropriate.

Public consumption of psychoactive substances

7. (1) No person shall consume, or be in possession of, a psychoactive substance within the Restricted Area.
- (2) For the purposes of Article—

- (a) “psychoactive substance” means any substance, including nitrous oxide, which—
 - (i) is capable of producing a psychoactive effect in a person who consumes it, and
 - (ii) is not an exempted substance.
 - (b) a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.
 - (c) a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.
 - (d) “exempted substance” means a substance listed in Schedule 1 to the Psychoactive Substances Act 2016, subject to any amendments by Regulations made by the Secretary of State.
- (3) Paragraph (4) applies where an authorised person reasonably believes that a person (P) —
- (a) is or has been consuming or is in possession of a psychoactive substance, in breach of the prohibition in paragraph (1), or
 - (b) intends to consume a psychoactive substance in circumstances in which doing so would be a breach of that prohibition.
- (4) Where this paragraph applies an authorised person may require P—
- (a) not to consume, in breach of the prohibition in paragraph (1), a psychoactive substance or anything which the authorised person reasonably believes to be a psychoactive substance;
 - (b) to surrender anything in P's possession which is, or which the authorised person reasonably believes to be, a psychoactive substance or a container for a psychoactive substance.

(5) An authorised person may dispose of anything surrendered under paragraph(4)(b) in whatever way he or she thinks appropriate.

Part 4 – Enforcement and penalties for failure to comply with the Order

Requirement to provide Name and Address

14. (1) If an authorised person reasonably believes that a person (P) has breached any of prohibitions or requirements imposed by Articles 6 to 13 he or she may require P to give his or her name and address to the authorised person.
- (2) An authorised person who imposes a requirement under paragraph (1) must tell P that—
- (a) failing to give his or her name and address when required to do so under paragraph (1), or
 - (a) giving a false or inaccurate name or address in response to a requirement under that paragraph is an offence

Offence of failing to comply with the Order

15. Subject to Article 17, by Section 67 of the Act, it is a criminal offence for a person without reasonable excuse—
- (a) to do anything that the person is prohibited from doing by this Order, or
 - (b) to fail to comply with a requirement to which the person is subject under this Order.
16. A person guilty of an offence under Section 67 of the Act is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

17. By Section 67(4) of the Act it is not an offence to consume alcohol in breach of Article 6(1) but, by Section 63(6) of the Act a person who fails without reasonable excuse to comply with a requirement imposed on him or her under Article 6(4) of this Order commits an offence and is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

Fixed Penalty Notices

18. An authorised person may issue a fixed penalty notice (FPN) to anyone he or she has reason to believe has committed an offence under Section 63 or 67 of the Act. A person issued with a FPN must pay the fixed penalty of £100 within 14 days to discharge any liability to conviction for the offence. The penalty is automatically reduced to £75 if paid within 10 days.

SCHEDULE 1**Article 6****Premises etc. to which Article 6(1) does not apply**

- (1) The prohibition in Article 6(1) to this Order does not apply to—
- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 (Permitted temporary activities) may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under Section 115E of the Highways Act 1980 (highway-related uses).
- (2) prohibition in Article 6(1) to this Order does not apply to licensed premises operated by the Council—
- (a) when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this paragraph—

“club premises certificate” has the meaning given by Section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by Section 11 of that Act;

“supply of alcohol” has the meaning given by Section 14 of that Act.

- (4) For the purposes of this Article 6, licensed premises are operated by the Council if they are authorised by a premises licence to be used for the supply of alcohol and—
- (a) the licence is held by the Council, or
- (b) the licence is held by another person but the premises are occupied by the Council or are managed by or on behalf of the Council.

THE COMMON SEAL OF THE MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF WANDSWORTH was affixed this day of
October 2025 in the presence of:

Signature _____

Name _____

Authorised Signatory

Seal Register No. _____

Appendix 1

Notes for Information

Challenging the validity of the Order

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 the restricted area, or who regularly works in or visits that area. This means that only those who are directly affected by the restrictions have the power to challenge it.

Interested persons can challenge the validity of this Order on two grounds: -

- (a) that the Council did not have power to make the order, or to include particular prohibitions or requirements; or
- (b) that one of the requirements of the Act not been complied with.

Where such 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 pending the final determination of the proceedings. The High Court may uphold the order, quash it, or vary it and may award legal costs in an unsuccessful challenge.

Appendix 2

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

Section 59 – Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—
 - (a) prohibits specified things being done in the restricted area,

- (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
 - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
 - (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
 - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
 - (a) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- ^(b)
(7) A public spaces protection order must—
 - (a) identify the activities referred to in subsection (2);
 - (b) explain the effect of section 63 (where it applies) and section 67;
 - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

Section 66 - Challenging the validity of orders

- (1) An interested person may apply to the High Court to question the validity of—
 - (a) a public spaces protection order, or
 - (b) a variation of a public spaces protection order.
- “Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
- (2) The grounds on which an application under this section may be made are—
 - (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
 - (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
 - (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.

- (5) If on an application under this section the High Court is satisfied that—
 - (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
 - (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
 - (a) generally, or
 - (b) so far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
 - (a) under this section, or
 - (b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

Section 63 – Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—
 - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P—
 - (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—
 - (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 67 – Offence of Failing Comply with order

- (1) It is an 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 a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).