

### Public Spaces Protection Order

Notice is hereby given that Mole Valley District Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land edged red and shaded blue on Plan A annexed below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order (the Restricted Area).
2. The Order may be cited as Meadowbank Recreation Ground Public Spaces Protection Order and will come into force **on 20th October 2020** for a duration of 3 years, until **19th October 2023**.
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that the activities set out below have been carried out within the Restricted Area and are having or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that these activities will be carried out with the Restricted Area and will have such an effect
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order.

#### Prohibitions

#### Anti-social behaviour, consumption of Alcohol and Intoxicating Substances in a Public Place

5. The effect of the Order is to impose the following conditions on the use of the Restricted Area:

5.1 In the Restricted Area a person commits an offence if without reasonable excuse he or she continues to carry out activities which are prohibited namely;

5.1.1 Continuing to drink, consume or otherwise ingest alcohol when asked to stop doing so by an authorised person

5.1.2 Failing to surrender any alcohol in his or her possession when asked to do so by an authorised person.

5.1.3 being verbally abusive to any person or behave in a way that causes, or is likely to cause, harassment, alarm or distress to another person

5.1.4 Ingesting, inhaling, injecting, smoking or otherwise using any drugs or other intoxicating substances.

5.2 For the purposes of 5.1.1 and 5.1.2 of this Order:

- Provisions 5.1.1 and 5.1.2 of this Order do not apply to premises within the Restricted Area which have a premises licence or club premises certificate to for the supply of alcohol. These provisions also do not apply to council-operated licensed premises.
- An authorised person includes a Police Constable, Police Community Support Officer, a Council Officer or any other person authorised by the Council. A Council Officer or any other person authorised by the Council must be able to present their authority on request.

#### Offences and Penalty (Consumption of Alcohol)

In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming or by refusing to surrender alcohol is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

5.3 For the purposes of provisions 5.1.4 of this Order:

- 'Intoxicating Substances' is given the following definition (which includes drugs and what are commonly referred to as 'legal highs'): Substances with the capacity to stimulate or depress the central nervous system
- Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation

## **6. Dog Fouling.**

6.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:

6.1.1 If a dog defecates at any time on the Restricted Area the owner, or person in charge of the dog at the time must remove the faeces from the land forthwith. The person shall be guilty of an offence unless he has a reasonable excuse for failing to comply with this requirement.

## **7. Dog Control**

7.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:

7.1.1 A person in charge of a dog on the Restricted Area shall comply with a direction given to him by an authorised officer of the Council to put and keep the dog on a lead. Such person shall be guilty of an offence if they fail to comply with this requirement unless he has a reasonable excuse for failing to do so.

7.2 An authorised officer may only give a direction under provision 7.1.1 if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

7.3 An authorised officer of the Council means an employee, partnership agency or contractor of Mole Valley District Council who is authorised in writing to give directions under this Order.

## **8. Exclusion of Dogs in Specified Areas**

8.1 The effect of the Order is to impose the following obligation on the use of the Restricted Area:

8.1.1 A person in charge of a dog shall be prohibited from taking that dog into the children's playground in the Restricted Area shown edged red on plan B annexed to this Order. A person shall be guilty of an offence for failing to comply with this requirement unless he has reasonable excuse for failing to do so.

## **Exemptions for offences under paragraphs 6 to 8**

Nothing in this Order shall apply to 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 he relies 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, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance
- d) 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 and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

For the purpose of this Order: -

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless, at the time of the offence, some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the Restricted Area,
- 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.

#### Offences and Penalty (Dog Fouling, Dog Control and exclusion of dogs in specified areas)

9. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming or by refusing to surrender alcohol is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Fixed Penalty Notices

10. A constable or an authorised person may issue a Fixed Penalty Notice not exceeding £100 to anyone they have reason to believe has committed an offence under this Order.

#### Appeals

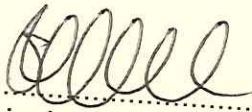
11. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the

power to make the Order or that any requirement of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

Appendix

A plan of the Restricted Area edged red and shaded blue is annexed to this Order

Executed as a deed by affixing THE COMMON SEAL of MOLE VALLEY DISTRICT COUNCIL on the 16th day of October 2020 in the presence of:



Principal Solicitor



SW/8078

**Plan A - Meadowbank Recreation Ground**



**Plan B - Meadowbank Playground**



SW/8078

KS / 001077 / 00191579

*[Handwritten Signature]*  
Principal Solicitor

