



## **Notice of Extension to Public Spaces Protection Order**

Notice is hereby given that Mole Valley District Council ("the Council") has extended the Meadowbank Recreation Ground Public Spaces Protection Order dated 16<sup>th</sup> October 2020 (which came into force on 20<sup>th</sup> October 2020 and continued until 19<sup>th</sup> October 2023) ("the Order") under section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014

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 extension to the Order ("the Restricted Area").
2. The Order will be extended from 18<sup>th</sup> October 2023 for a duration of 3 years, until 17<sup>th</sup> October 2026.
3. The Council is satisfied that the conditions set out in Section 60(2) of the Act have been met, namely that it is satisfied on reasonable grounds that extending the Order is necessary to prevent the occurrence or recurrence of the activities identified in the Order, or to prevent an increase in the frequency or seriousness of those activities after the Order is due to expire.
4. In making this extension, the Council has had regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Human Rights Act 1998.

### **Prohibitions**

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

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

- 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 and Offences

10. 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.
11. 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
12. In accordance with Section 68 of the Act 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

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

A plan of the Restricted Area edged red and shaded blue is annexed to this notice as Plan A

This notice is signed this by

A handwritten signature in black ink, appearing to read 'R O'Reilly', written in a cursive style.

Rachel O'Reilly

Dated 17<sup>th</sup> October 2023

# Plan A

## PSPO - Meadowbank Recreation Ground

