

## **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 the map 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 the Kingston Road Recreation Ground Public Spaces Protection Order and will come into force on 27<sup>th</sup> April 2020 for a duration of 3 years, until the 26<sup>th</sup> April 2023.

3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the Restricted Area through the use of intoxicating substances. This activity is having a detrimental effect on the quality of life of those in the locality and 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**

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.

6. 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.

7. 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.

### **Fixed Penalty Notices and Offences**

7. 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.

8. 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

9. 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**

10. 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                      day of                      2020  
in the presence of:

.....  
Legal Services Manager

## Annex – Plan of the Restricted Area

