

PUBLIC SPACES PROTECTION ORDER

Made under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

The London Borough of Ealing, in accordance with S 59(7)(a) of the 2014 Act, identifies the following activities in the public spaces in the area for which the Order is proposed as having a detrimental effect on the quality of life of those in the locality:

- street drinking;
- loitering in groups which are engaging in anti-social behaviour;
- urinating and or defecating in public or communal spaces;
- intoxicated adults using the children's playground;
- littering of bottles, cans, and drug paraphernalia;
- using illegal drugs and psychoactive substances (formerly known as "legal highs") in public spaces.

Considering the volume of reports of these activities to the Council, it is likely that these activities will continue in the public area of the Map (see below) and that they will continue having a detrimental impact on the quality of life of those in the locality.

In the Order:

'Authorised officer' refers to: police officer, police community support officer, or any other person designated to enforce the Order by Ealing Council. You can require any designated officers to produce authorisation before enforcing the Order.

'Psychoactive substances' refers to s2(1) and s2(2) of the Psychoactive Substances Act 2016:

"any substance which—

(a) is capable of producing a psychoactive effect in a person who consumes it, and

(b) is not an exempted substance.

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".

Laughing gas (nitrous oxide or balloons), khat, spice, and mephedrone (drone) are examples of psychoactive substances.

Exceptions to the above prohibition are alcohol, caffeine, tobacco and tobacco products, foodstuffs regulated by food health and safety legislation, and drugs required for a valid medical reason. If you are asked to give up psychoactive substances which you require for valid medical reasons, you should inform the enforcing officer and show him your prescription.

‘Anti-social behaviour’ refers to s 59 (2) (a)-(b) of the Anti-Social Behaviour, Crime and Policing Act 2014 and means: activities carried out in a public space which have a harmful effect on the quality of life of those in the locality, and which are likely to be carried out in the public spaces of an area and are likely to have a harmful effect on the quality of life of the local residents. For examples, see the list of activities above. It also means behaviour likely to cause harassment, alarm or distress to one or more other person (Crime and Disorder Act 1998).

‘Public Space’ means any space to which the public or a part of the public has access (s 74(1) of the Anti-Social Behaviour, Crime and Policing Act 2014). This can be with payment, or with express or implied permission. This includes businesses and communal areas of housing blocks, but excludes residential premises.

The London Borough of Ealing, being thereby satisfied that the conditions in Section 59 of the Act have been met, hereby makes the following Order:

In all public spaces in the area of the Map (see below), you are required to:

1) Alcohol

- a) Stop drinking alcohol if asked to do so by an authorised officer because you have been engaging in anti-social behaviour

2) Loitering in groups

- a) Disperse from the area and not return for 24 hours if asked to do so by an authorised officer because you have been loitering in a group of 3 or more people where one or more have been engaging in anti-social behaviour

3) Surrender your drink

- a) If you have been asked to stop drinking by an authorised officer and did not, without reasonable excuse, comply with their request, you must surrender any cans, bottles, or other containers of alcohol or what can reasonably be believed to be alcohol

4) Surrender your psychoactive substances

- a) Surrender any psychoactive substances you possess or are reasonably believed by an authorised officer to possess

5) Provide your name and address

- a) Give your name and address to an authorised officer if asked to do so to deal with any of the activities identified above (street drinking, loitering in groups and engaging in behaviour likely to cause harassment, alarm or distress to one or more other person; urinating or defecating in a public or communal space; littering of drink and drug paraphernalia; using drugs and/or psychoactive substances)

In all public spaces in the area of the Map (see below), you are prohibited from:

6) Urinating in public

- a) Urinate and/or defecate in a public and/or communal space

7) Adults using children’s playground

- a) Being present in the children’s playground area unless accompanying a child of 14 or under

8) Littering

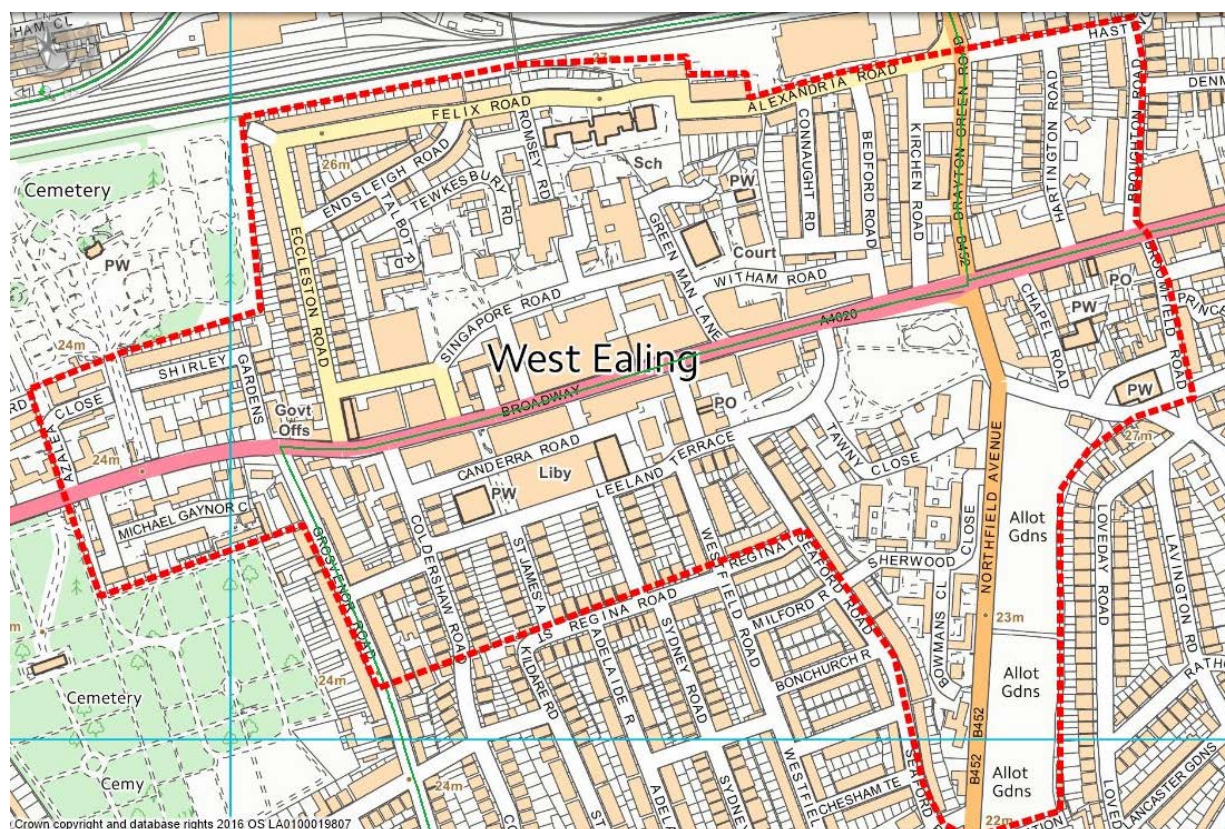
- a) Leave rubbish in any public spaces in the Order area (see Map), including but not limited to bottles, cans, rolling papers, needles, laughing gas canisters, foil, chewing gum and cigarette buds

9) Psychoactive substances

- a) Possess and/or smoke, inject, inhale or otherwise consume any psychoactive substances

Map

The Public Spaces Protection Order affects all public spaces in the following area, denoted with a dotted red line:



Penalty

If you do not stop any of the above behaviours when asked to do so by a police officer, a police community support officer, or a person designated to enforce the Order by Ealing Council, and you have no reasonable excuse for continuing your behaviour, you are committing an offence. You may be:

- Issued with a Fixed Penalty Notice (fine) of £100.
- If you do not pay your Fixed Penalty Notice, you may be prosecuted and convicted. The maximum penalty is a fine not exceeding level 3 on the standard scale (£1000) or level 2 on the standard scale (£500) if you do not stop drinking when asked or do not surrender your alcohol/psychoactive substances when asked to do so.

Duration

The Order comes into effect on 3 April 2017 and will be in effect for a period of three years, until 3 April 2020. This decision will be formally reviewed after six months and after twelve months of operation, at which point a decision shall be taken as to whether or not to revoke the Order or for it to remain.

If there is need to do so, the Council may shorten, extend or vary the order at any time in the three years. If the Council wants to extend or vary the Order, they must consult appropriate community representatives, the police and owners of the affected land on the variation.

Appeal

If any 'interested person' (a person living in, working in, or regularly visiting the affected area) wishes to appeal this Order, they must do so on one of two grounds (s 66 of the Anti-Social Behaviour, Crime and Policing Act 2014):

- (1) The Council did not have the legal power to make the Order.
- (2) The Council did not follow all the requirements listed in Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The interested person(s) must appeal the Order with an application to the High Court within six weeks of the Order being made.