

## THE WHOLE AREA OF LONDON BOROUGH OF EALING – PUBLIC SPACES PROTECTION ORDER

1. The Order relates to the whole borough of the London Borough of Ealing, as shown edged black on the attached plan in Appendix 1.
2. In this Order:
  - **‘Anti-Social Behaviour’** refers to section 59 (2) (a)-(b) of the Anti-Social Behaviour, Crime and Policing Act 2014 and means: activities carried out, or which are likely to be carried out, in a public space which have a detrimental effect on the quality of life those in the locality. This also means behaviour likely to cause harassment, distress or alarm to one or more other person. This can include, but is not limited to, littering, verbal abuse, obstructing the highway, illegal drug use, urinating or, spitting
  - **“The designated area”** refers to any public 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 can include businesses and communal areas of housing blocks, but excludes residential premises. Prohibitions/requirements may vary for each designated area and will be highlighted accordingly on the attached plans.
  - **‘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 authorised officers to produce authorisation before enforcing the Order.
  - **‘Psychoactive substances’** refers to S 2(1) and S 2(2) of the Psychoactive Substances Act 2016: *“any substance which –*
    - o *(a) is capable of producing a psychoactive effect in a person who consumes it, and*
    - o *(b) is not an exempted substance”*
    - o Laughing gas (nitrous oxide or balloons), khat, spice, and mephedrone (drone) are examples of psychoactive substances referred to in this Order.
3. The London Borough of Ealing, in accordance with Section 59 (7)(a) of the Anti-Social Behaviour, Crime and Policing 2014, identifies the following activities in the designated areas, highlighted in section 4 to 7 of this Order, as having had a detrimental impact on the quality of life of those in the locality, or it is likely that they will have such an effect.
4. **The Whole Borough** as shown edged black on the attached plan in Appendix 1 (the designated area)
  - Street drinking while engaged in anti-social behaviour;
  - Urinating and/or defecating and/or spitting in public or communal spaces;
  - Failure to fully extinguish cigarettes before disposing of them in a bin;
  - Consumption, use, and/or possession of psychoactive substances
5. **Housing Estates** as shown highlighted red on the attached plan in Appendix 2 (‘the designated area’):
  - Obstructing entrances to and exits from any building, or the free passage of persons on or in a stairwell;
  - Causing an obstruction which prevents or hinders the free passage of pedestrians or vehicles

- Congregating and/or loitering in groups of 3 or more whilst engaged in anti-social or criminal behaviour;
  - Fly-tipping;
  - Depositing unroadworthy vehicles
6. **Parks** as shown highlighted green on the attached plan in Appendix 3 ('the designated area')
- Dogs causing distress to any person or animal, or damage to any Council structure, equipment, tree, plant or turf
  - Dog fouling;
  - Littering, including of bottles, cans and drug paraphernalia;
  - Congregating and/or loitering in groups of 3 or more whilst engaged in anti-social or criminal behaviour;
  - Driving vehicles, mopeds, caravans or any other motor propelled vehicle on park land without prior permission
7. **Town Centres** as shown highlighted blue on the attached plan in Appendix 4 ('the designated area')
- Congregating and/or loitering in groups of 3 or more whilst engaged in anti-social or criminal behaviour;
  - Intimidating or aggressive begging;
  - Obstructing access to business premises during opening hours;
  - Leaving commercial waste in a public space for the purposes of collection for an unreasonable length of time

Due to the volume of reports of these activities and behaviours, the Council is satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and these activities are unreasonable and justify the restrictions imposed by the notice and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.

The requirements and prohibitions set out below will relate to either the whole borough or parts of the London Borough of Ealing and will be stated as such.

**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:**

### **The Whole Borough**

As shown edged black on the attached plan in Appendix 1 ('the designated area')

**Requirements** - In all public spaces within this designated area, you are required to:

#### **1) Street drinking while engaged in anti-social behaviour**

- a. Stop drinking alcohol, or anything which the authorised officer reasonably believes to be alcohol, if asked to do so by an authorised officer because they reasonably believe that you have been engaging in anti-social behaviour.
- b. If you have been asked to stop drinking alcohol by an authorised officer and have not, without reasonable excuse, complied with their request, you must surrender any cans, bottles, or other containers of alcohol or what can reasonably be believed to be alcohol

#### **2) Consumption, use, and/or possession of psychoactive substances**

- a. Surrender any psychoactive substances or associated paraphernalia you possess or any items reasonably believed to be such by an authorised officer.

**3) 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 behaviours identified in this Order (e.g. street drinking; groups engaged in ASB; fly-tipping; urinating, defecating and/or spitting in a public or communal space; littering; using drugs and/or psychoactive substances)

**Prohibitions** - In all public spaces within this designated area, you are prohibited from:

**4) Psychoactive substances (legal highs)**

- a. Possessing and/or smoking, injecting, inhaling, or otherwise consuming any psychoactive substances.

**5) Urinating/defecating and/or spitting in public**

- a. Urinating and/or defecating in a public and/or communal space.
- b. Depositing saliva, mucus, or any other product from the mouth or nose without reasonable excuse or attempt to collect or eradicate the saliva or product.

**6) Careless disposal of cigarettes**

- a. Disposing of any cigarettes/cigars/roll-ups into a bin without first fully and properly extinguishing them.

**Housing Estates (in addition to Whole Borough requirements and prohibitions)**

As shown highlighted red on the attached plan in Appendix 2 ('the designated area'):

**Requirements** - In all public spaces within this designated area, you are required to:

**1) Obstructing the entrances to or exit from any building, or the free passage of people on or in stairwells**

- a. Disperse from the area if asked to do so by an authorised officer because they reasonably believe that you have been obstructing the entrance to or exit from any building or, you have obstructed the free passage of people on or in stairwells.

**2) Causing an obstruction which prevents or hinders the free passage of pedestrians or vehicles**

- a. Disperse from the area if asked to do so by an authorised officer because they reasonably believe you have been causing an obstruction by refusing to move when reasonably requested by a member of the public or person/s carrying out their duties of employment.
- b. Disperse from the area and remove all items/vehicles/structures if asked to do so by an authorised officer because they reasonably believe you have been causing an obstruction, by either leaving items/vehicles/structures in an area where they prevent or hinder the free passage of pedestrians or vehicles.

**3) Congregating groups engaged in anti-social behaviour**

- a. Disperse from the area and not return for 24 hours if asked to do so by an authorised officer because you have been congregating in a group of 3 or more people, where one or more person/s have been engaging in anti-social behaviour and at least one member of that group is within the designated area.

**Prohibitions** - In all public spaces within this designated area, you are prohibited from:

**4) Unroadworthy vehicles**

- a. Depositing any unroadworthy vehicle, these being any vehicles that are untaxed, uninsured, and/or without a valid MOT. Any vehicles declared with a Statutory Off Road Notification (SORN) cannot be deposited unless there is prior permission.

## **5) Fly-tipping**

- a. Leaving and/or depositing any rubbish or waste, including but not limited to household waste, mattresses, and builders waste.

### **Parks (in addition to Whole Borough requirements and prohibitions)**

As shown highlighted green on the attached plan in Appendix 3 ('the designated area')

**Requirements** - In all public spaces within this designated area, you are required to:

#### **1) Littering**

- a. Remove any litter or waste that you have thrown down, dropped or deposited and left in a public place and dispose of that litter or waste in a lawful manner, when asked to do so by an authorised officer.

#### **2) Congregating groups engaged in anti-social behaviour**

- a. Disperse from the area and not return for 24 hours if asked to do so by an authorised officer because you have been congregating in a group of 3 or more people, where one or more person/s have been engaging in anti-social behaviour and at least one member of that group is within the designated area.

**Requirements** - In all public spaces within this designated area, person(s) in charge of a dog are required to:

#### **3) Dog fouling**

- a. Pick up the faeces forthwith and place in a receptacle on the land which is provided for that purpose, or for the disposal of waste, because you are in charge of a dog which has defecated at any time on any land in the designated area. Unless:
  - i. You have a reasonable excuse for failing to do so.
- b. Have in your possession a suitable means of picking up faeces from the land, such as a bin bag and, after a request from an authorised officer, produces this to them.

#### **4) Dog Control**

- a. Put the dog/s on a lead if directed by an authorised officer because they are satisfied that the dog/s are causing distress to any other person or animal, or damage to any Council structure, equipment, tree, plant or turf.

**Prohibitions** - In all public spaces within this designated area, you are prohibited from:

#### **5) Dog Control**

- a. A person who is in charge of the dog at that time must not cause or permit the dog/s to –
  - i. Cause damage to any council structure, equipment, tree, shrub, plant, turf or other such Council property

#### **6) Driving vehicles on park land without prior permission**

- a. Driving or riding any vehicle, motorcycle, moped, caravan or any other motor propelled vehicle in park grounds without prior permission from the responsible authority. This does not include any space in the grounds set aside for use by vehicles, indicated by signs placed in conspicuous positions. This restriction shall not apply to any electrically powered scooter designed for people with restricted mobility, including those who are elderly or disabled.

## **Town Centres (in addition to Whole Borough requirements and prohibitions)**

As shown highlighted blue on the attached plan in Appendix 4 ('the designated area')

**Requirements** - In all public spaces within this designated area, you are required to:

**1) Congregating groups engaged in anti-social behaviour**

- a. Disperse from the area and not return for 24 hours if asked to do so by an authorised officer because you have been congregating in a group of 3 or more people, where one or more person/s have been engaging in anti-social behaviour and at least one member of that group is within the designated area.

**2) Intimidating and/or aggressive begging**

- a. Disperse from the area for 24 hours if asked to do so by an authorised officer because you have been begging in a manner reasonably believed to be intimidating, aggressive or causing distress, or pose a risk to their safety or the safety of others.

**3) Obstructing access to business premises during opening hours**

- a. Disperse from the area if asked to do so by an authorised officer because they reasonably believe that you have been obstructing the entrance of a commercial business during the course of its opening hours.

**4) Leaving commercial waste in public spaces for an unreasonable length of time**

- a. Remove from the public space any commercial waste deposited or left there for the purposes of collection when asked by an authorised officer, because they reasonably believe that waste has been left in a public space for an unreasonable length of time or where applicable, outside of the specified timed collection slots.

## **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:

- 1) Issued with a Fixed Penalty Notice (fine) of £100.
- 2) 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 XXXXX and will be in effect for a period of three years, until XXXXX. 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.

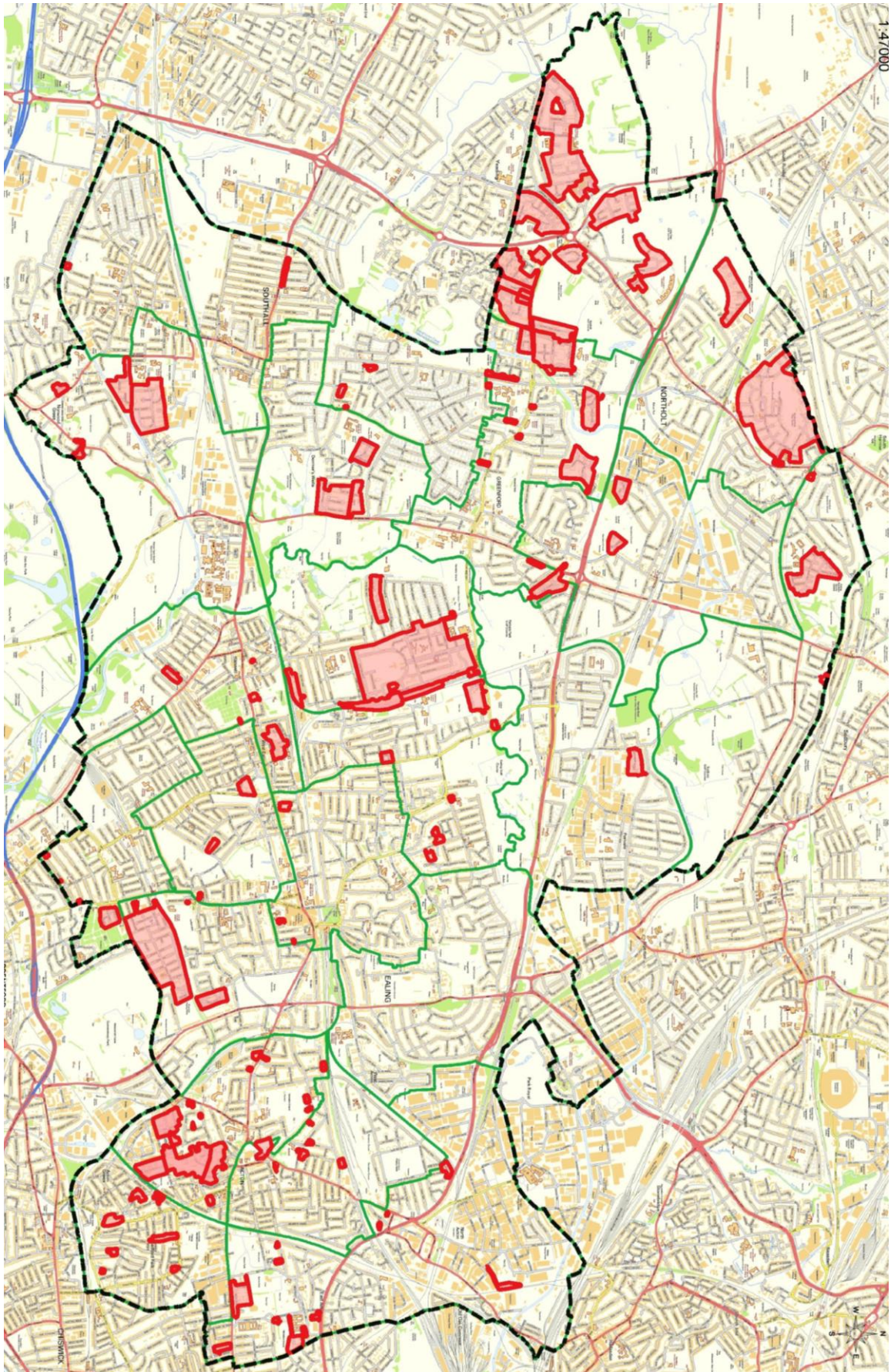
## **Appendix 1**





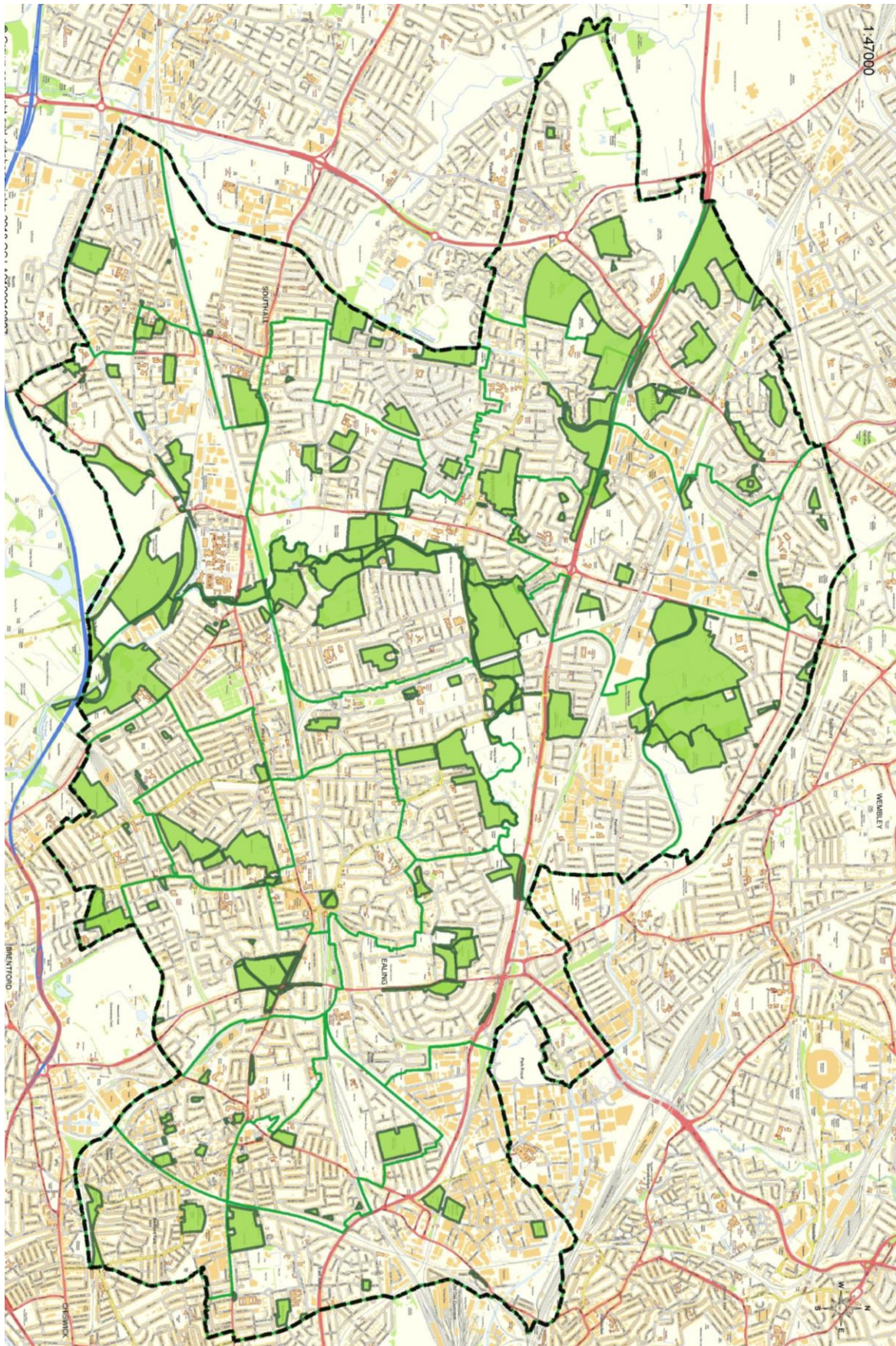
## **Appendix 2**





**Appendix 3**





## **Appendix 4**



