

Annex 1

SURREY HEATH BOROUGH COUNCIL

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (SURREY HEATH) 2017

Notice is hereby given that Surrey Heath Borough Council ("the Council") proposed the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

1. This order shall come into operation on the 14th October 2017 and shall have effect for 3 years thereafter unless extended by further orders under the Council's statutory powers.
2. The Order relates to all public places within Surrey Heath shown edged red on the attached plans (in annex 1).
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 areas. Through the use of intoxicating and psychoactive substances, begging and irresponsible dog ownership/control. These activities have a detrimental affect on the quality of life of those in the locality, and it is likely that these activities will be carried out within that area and can 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 are unreasonable and justify the restrictions imposed by this Order and that it is in all circumstances expedient to make this order for the purpose of reducing crime/and or anti-social behaviour in a public place.

BY THIS ORDER

Definitions

'public place' under S74 (1) of the Act means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

'Authorised Persons' includes an Authorities Officer of the Council, Police Constables, Police Community Support Officers or other persons authorised by the Council.

'psychoactive substance' any substance which is capable of producing 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 and is not included in the list of exempted substances.

'exempted substances' are those listed in schedule 1 of the Psychoactive Substances Act 2016 or its successor. (controlled drugs, medicinal products, alcohol, nicotine and tobacco products, caffeine/caffeine products and food)

'loitering' to remain in any one place with no apparent purpose.

Prohibitions

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Areas:
 - A. Continue to drink alcohol: when asked to stop by an authorised person or
 - B. Fail to surrender any alcohol in their possession when asked to do so by an authorised person.
2. Persons shall not within the Restricted Areas:
 - A. Continue to ingest, inhale, inject, smoke or otherwise use psychoactive substances when asked by an authorised person to stop or
 - B. Fail to surrender any psychoactive substance in their possession, when as to do so by an authorised person.
 - C. Psychoactive Substance is given the following definition (which includes Drugs that are commonly referred to as Legal Highs): Substances with the capacity to stimulate or depress the central nervous system.
 - D. 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 hygiene.
3. Persons shall not within the Restricted Area will not sit or loiter, in a public space as to actively beg, to include: verbal, non-verbal, written or non-written requests for goods, money or donations unless they are authorised at an appropriate location.
4. Persons shall not within the Restricted Areas:
 - A. Allow access to dogs in children's play areas.
 - B. Allow access to any more than 4 dogs per owner/walker.
 - C. Allow dogs off leads.
 - D. Refuse at the request of an authorised person to place a dog on a lead.
 - E. Refuse to take full responsibility of the dog/s within their control that defecates at any time on land to which the public or any section of the public has access and fails to remove the faeces.

Fixed Penalty Notice and Offences

1. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding level 2 on the standard scale which is currently £500.
3. In accordance with Section 67 of the Act, a person found to be in breach of this Order other than by refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.
4. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. The amount of the Fixed Penalty Notice shall be £100. The penalty can be reduced if paid within 10 days otherwise the full penalty will be due. If you do not pay the penalty within 15 days you may be prosecuted.

THE COMMON SEAL of
SURREY HEATH BOROUGH COUNCIL]

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Was here unto affixed this {--- day of -----}
In the presence of:}

Solicitor to the Council

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