

# LONDON BOROUGH OF CROYDON

## Croydon Town Centre

### **PUBLIC SPACES PROTECTION ORDER (STREET DRINKING AND ANTI-SOCIAL BEHAVIOUR) No. 1 of 2017**

This Public Spaces Protection Order ('Order') is made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('ASBCPA 2014').

#### **PRELIMINARY**

1. Croydon Council, in making this Order:
  - a. is satisfied on reasonable grounds that:
    - i. the Activities listed in paragraph 3 below have been carried out in a public place within the Council's area, namely the area identified below as the Restricted Area, and have had a detrimental effect on the quality of life of those in the locality, and that:
    - ii. the effect, or likely effect, of the Activities:
      - a. is, or is likely to be, of a persistent or continuing nature,
      - b. is, or is likely to be, such as to make the Activities unreasonable, and
      - c. justifies the restrictions imposed by this Order.
  - b. is satisfied that the prohibitions and requirements imposed by this Order are reasonable in order to prevent the detrimental effect referred to in paragraph 1 above from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
  - c. has had regard to the rights and freedoms set out in the European Convention on Human Rights as defined in s.21(1) of the Human Rights Act 1998, and in particular, to those rights set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) and

has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

### **THE RESTRICTED AREA**

2. This Order applies to the area in the London Borough of Croydon to which the public have or are permitted to have access, whether with or without payment, as identified in the Schedule attached to this Order and in the area outlined in the plan attached to this Order including any street, road, footway, footpath, square, courtyard, grassed area, stairway, walkway, subway or similar place in the open air.

### **THE ACTIVITIES**

3. The Activities referred to in paragraph 1 of this Order are:
  - a. Consuming alcohol in the restricted area other than in premises identified by section 62 of ASBCPA 2014.
  - b. People or groups of people behaving in a manner which is likely to cause harassment, alarm or distress, in the restricted area.

### **THE PROHIBITIONS**

4. By this Order no person shall at any time in any public place within the relevant restricted areas (the boundaries of which are delineated on the map in Schedule 1 of this Order) engage in any of the following prohibited activities identified in paragraph 4a(i) and 4a(ii) of this Order:
  - a. In respect of the area identified in map 1 in Schedule 1 of this Order, being Croydon Town Centre:
    - i. Being in possession of an open container of, or consuming alcohol, save in premises falling within section 62 of the ASBCPA 2014.
    - ii. Behaving in a manner, either as an individual or within a group of people, which is likely to cause harassment, alarm or distress.

### **THE REQUIREMENTS**

5. Any person directed to leave the restricted area by a Police Officer, Police Community Support Officer or other officer authorised to make such a direction by Croydon Council, shall do so. Such a direction may be given where the officer is satisfied that the person concerned has breached this order either by (1) consuming alcohol in the manner described in paragraph 4a(i) above or (2) by behaving in a manner which is likely to cause harassment, alarm or distress.

### **INFORMATION**

6. By virtue of s.63 of the ASBCPA 2014, where a constable or a person authorised by the Council or under s.69 of the ASBCPA 2014 reasonably believes that a person:
  - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
  - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such prohibition, he or she may require a person:
    - (i) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
    - (ii) to surrender anything in a person's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or container for alcohol.
7. A constable or an authorised person who imposes a requirement under s.63 must tell the person that failing without reasonable excuse to comply with the requirement is an offence. Such a requirement imposed by an authorised person is not valid if the authorised person:
  - (a) is asked by the person to show evidence of his or her authorisation, and
  - (b) fails to do so.
8. A constable or an authorised person may dispose of anything surrendered (namely alcohol or anything reasonably believed to be alcohol) in whatever way he or she thinks appropriate.
9. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by a constable or authorised person under s.63 of the

2014 act, commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).

10. By virtue of s.67 of the ASBCPA 2014, it is an offence for a person without reasonable excuse:
  - a. to do anything that the person is prohibited from doing by this Order,  
or
  - b. to fail to comply with the requirement to which the person is subject  
by this Order
11. A person guilty of an offence under s.67 of the 2014 act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).
12. A constable or an authorised person may under s.68 of the 2014 act, issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to this Order.
13. A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the Council did not have power to include in this Order.
14. If an interested person wishes to challenge the validity of this Order he or she may apply to the High Court within six weeks beginning with the date on which this Order is made. The grounds on which a challenge can be made are that the Council did not have the power to make this Order, or that a requirement imposed by Chapter 4 of the ASBCPA 2014 was not complied with, see further section 66 of the ASBCPA 2014.

#### **COMMENCEMENT, DURATION AND CITATION**

15. This Order shall come into force on 18<sup>th</sup> December 2017. This Order shall remain in force for a period of three years.
16. This Order may be cited as the Public Spaces Protection Order for the London Borough of Croydon No.1 of 2017.

Dated: 1<sup>st</sup> December 2017

A handwritten signature in black ink that reads "Andy Gee". The signature is written in a cursive, flowing style.

Signed:

Director of Public Safety