

## **LONDON BOROUGH OF CROYDON**

### **THORNTON HEATH AND SURROUNDING AREAS IDENTIFIED IN SCHEDULED 1**

#### **PUBLIC SPACE PROTECTION ORDER (No.1 2022)**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, AS AMENDED**

This Public Space Protection Order ( Order) is made under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended ( ASBCPA 2014 ).

1. Croydon Council, in making this Order:-

a. Is satisfied on reasonable grounds that:-

i. The activities itemised in paragraph 2, below have been carried out in a public place within the London Borough of Croydon, 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 the 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 its risk of 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 Section 21(1) of the Human Rights Act 1998, and in particular, those rights set out in Article 10 ( right of freedom of expression), and Article 11 ( right of freedom of assembly and association), 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 access, whether with or without payment, as identified in the Schedule attached to this Order and shown in the plan attached to this Order including any street, road, footway, footpath, square, courtyard, grassed area, stairway, walkway, subway, car parks or similar.

## **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 in Section 62 of ASBCPA 2014, as amended;
  - b. Individuals or groups of people behaving in a manner causing or likely to cause harassment, alarm or distress, in the restricted area;
  - c. Urinating in any public place in the restricted area, other than public toilets.

## **THE PROHIBITIONS**

4. By the Order, no person shall at any time in any public place within the restricted area ( the boundaries of which are shown on the plan attached to this Order) engage in any of the following prohibited activities as identified in paragraph 4(a)i, 4(a)ii and 4(a)iii of this Order:-
  - a. In the area being Thornton Heath and the surrounding areas as identified in Schedule 1 to the Order and the plan attached to this Order:-
    - i. Consume alcohol, or be in possession of an open container of alcohol, except in premises falling within Section 62 of the ASBCPA 2014;
    - ii. Behave in a manner, either as an individual or within a group of people, which causes, or is likely to cause harassment, alarm or distress;
    - iii. Urinate in a public place, except a public toilet, as defined by paragraph 2 of this Order.

## **THE REQUIREMENTS**

5. Any person directed to leave the restricted area by a Police Officer, Police Community Support Officer or any 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 by engaging in a prohibited activity as identified in paragraph 4 of this Order.

## INFORMATION

6. By virtue of Section 63 of the ASBCPA 2014, as amended, 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, the constable or authorised person 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 a container for alcohol.

7. A constable or an authorised person who imposes a requirement under Section 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 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 a requirement to which the person is subject by this Order.

11. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

12. 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.

13. By virtue of Section 68 ASBCPA 2014, as amended, a constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under Sections 63 or 67 in relation to a Public Space protection Order. The Fixed penalty notice offers the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment within

a specified period to the local authority of a fixed penalty. The fixed penalty may be for no more than £100.00 and may give a lower amount to be paid within a period of not less than 14 days.

13. 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, as amended was not complied with, see further section 66 of the ASBCPA 2014, as amended.

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

12. This Order is made on [ **insert date** ] and shall come into force on this date. This Order shall remain in force for a period of three years.

13. This Order may be cited as the Public Spaces Protection Order for the London Borough of Croydon No.2 of 2022.

Dated

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Signed:

Director

# SCHEDULE 1

