



The Anti-Social Behaviour Crime and Policing Act 2014

The Public Spaces Protection Order (No 2) – Hastings Borough Council 2017

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met Hastings Borough Council (in this order called “the Authority”) hereby makes the following Order

This Order comes into effect on (enter date) 2017 for a period of 3 years.

This Order relates to various public spaces within the Borough. The plan of the whole Borough is at Appendix One (Map 1), being public space in the Council’s area to which the Act applies.

The effect of the Order is to impose the following prohibitions at all times within the relevant Restricted Areas:-

BY THIS ORDER

A – Prohibition on Drinking in Public Place Restricted Area (land hatched black – Maps A.2.A, A.2.B, and A.2.C))

1. All persons are restricted from drinking alcohol in any public place located within the restricted area (see maps A.2.A, A.2.B and A.2.C). This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or S115E of the Highways Act 1980
2. Where an authorised person reasonably believes that a person is consuming alcohol or has been consuming alcohol in breach of this Order (maps A.1, A.2.A, A.2.B, and A.2.C) ; or where an authorised person reasonably believes that a person intends to consume alcohol in circumstances which would be a breach of this Order, then the authorised person can take the following steps;
 - a) To prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order; and
 - b) To require that the person must surrender any alcohol, or anything which the authorised person reasonably believes to be alcohol, that is in the person’s possession including a container for alcohol.

B – Prohibition on Psychoactive substances (so-called ‘Legal Highs’) Restricted Area (land hatched black Map B.1)

3. All persons are prohibited from ingesting, inhaling, injecting or smoking, any substance which has the capacity to stimulate or depress the central nervous system
4. This prohibition does not apply where:
 - a) The substance is used for valid and demonstrable medicinal purpose;
 - b) The substance is given to an animal as a medicinal remedy
 - c) The substance is a cigarette (tobacco) or vaporiser; or
 - d) The substance is a food product regulated by food, health and safety legislation

Persons within this area who breach this prohibition shall: surrender psychoactive substances in his/her possession to an authorised person.

For the purposes of the above prohibitions an 'Authorised Person' means a constable, a police community support officer or a person so authorised by Hastings Borough Council. Disposal of the alcohol or psychoactive substance may be undertaken by the authorised person in whatever way he or she thinks fit.

C – Prohibition on Anti-Social Behaviour within the Restricted Area (land hatched black. Map C.1)

5. All persons are prohibited from intentionally or recklessly, shouting, swearing, screaming or acting in a manner to cause, or likely to cause, annoyance, harassment, alarm or distress to any person.

D - Prohibition on aggressive begging within the Restricted Area (Map 1)

6. All persons are prohibited from loitering around Cash Machines and shop entrances for the purposes of begging. For the purposes of this prohibition, loitering means 'standing or waiting around without apparent purpose' Begging is not limited to approaching people and/or asking for money, or placing a receptacle for donation.

E - Prohibition on sleeping in vehicles within the Restricted Area (land hatched black. Map D.1)

7. All persons are prohibited from spending the night in their vehicles when parked at Cinque Ports Way.

EXEMPTIONS

Nothing in Prohibition A, 1 & 2 (alcohol) shall apply to:-

- (a) Premises authorised by a premises licence to be used for the supply of alcohol
- (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol
- (c) A place within the curtilage of premises within paragraph (a) or (b)
- (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under S115 of the Highways Act 1980 (highway related uses)
- (f) Council-operated licensed premises-
 - (i) When the premises are being used for the supply of alcohol, or
 - (ii) Within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

OFFENCES

- a) If, without reasonable excuse, a person is found to be in breach any of the prohibitions or requirements in respect of activities B-E above, they will commit a criminal offence for which

the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.

- b)** In respect of activity A above, namely the consumption of alcohol in a public place, whilst it is not an offence in the same way as activities B-E, it is an offence if a person fails, with any reasonable excuse, to comply with an authorised person's request as per paragraph 2 a) and b) above. An authorised person who imposes a requirement under paragraph 2 a) or 2 b) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
- c)** In the event of such a failure, a person will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

Fixed Penalties

- a)** An authorised person may issue a fixed penalty notice (FPN) of up to £100 to anyone he or she has reason to believe has committed an offence as described above.
- b)** A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- c)** Where a person is issued with a notice under this section in respect of an offence;
 - i) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
 - ii) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- d)** A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address of the person to whom the fixed penalty may be paid and specify the permissible methods of payment.

THE COMMON SEAL of HASTINGS

BOROUGH COUNCIL was hereunto affixed the (Enter Date)

In the presence of

Authorised Signatory