



## **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 came into effect on 12 June 2017 for a period of 3 years and was subsequently varied and extended for a further period of 3 years on 9<sup>th</sup> July 2019.

This Order relates to various public spaces within the Borough. The plan of the whole Borough of Hastings is marked as 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**

#### **1. Prohibition on Drinking in Public Place within the Restricted Area (land coloured red - Map 2)**

(i) All persons are restricted from drinking alcohol in any public place located within the Restricted Area. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or S115E of the Highways Act 1980.

(ii) Where an Authorised Person reasonably believes that a person is consuming alcohol or has been consuming alcohol in breach of Paragraph 1.(i) (above) then the Authorised Person may require that the person must stop consuming alcohol or anything which the Authorised Person reasonably believes is an alcoholic beverage and the Authorised Person may 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.

#### **2. Surrender Alcohol on request within the Borough of Hastings (Land Edged Black - Map 1)**

Where an Authorised Person reasonably believes that a person is, has or intends to consume alcohol within the Borough of Hastings and is causing or is likely to cause nuisance or annoyance or alarm or distress or harassment to a member of the public, or disorder associated with the consumption of alcohol then the Authorised Person may 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.

Disposal of alcohol may be undertaken by the Authorised Person in whatever way he or she thinks fit.

### **3. Prohibition on Anti-Social Behaviour within the Borough of Hastings (Land Edged Black - Map 1)**

Persons are prohibited from intentionally or recklessly, shouting, swearing, screaming or acting in a manner to cause, or likely to cause, nuisance or annoyance or alarm or distress or harassment to a member of the public, or disorder within the Borough of Hastings.

### **4. Prohibition on aggressive begging within the Restricted Area (Land Edged Black - Map 1)**

Persons are prohibited from Aggressive Begging within the Restricted Area. For the purposes of this paragraph, "Aggressive Begging" means:

- a. Approaching people in order to beg for money in a way that people may find intimidating and/or menacing.
- b. Using verbal requests for money, donations, goods or other materials, help or assistance in a way that people may find intimidating and/or menacing.
- c. Loitering or approaching people in close proximity to a cash machine.

This prohibition shall not apply to any authorised collections made on behalf of registered charities or other approved organisations with the prior written express consent of the Authority

#### **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 the Authority.

#### **EXEMPTIONS**

Nothing in Prohibition 1, i & ii (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) A person commits an offence if they fail, without reasonable excuse, to comply with an Authorised Person's request pursuant to Paragraph 1 above that the person:
- i. Stop consuming alcohol or anything which the Authorised Person reasonably believes is an alcoholic beverage, and/or
  - ii. 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, and

And the Authorised Person told the person that failing without reasonable excuse to comply with the requirement was an offence. A person convicted of an offence under this Sub-Paragraph (a) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- (b) A person commits an offence if he breaches a prohibition listed in Paragraphs 2-3 above without reasonable excuse. A person convicted of an offence under this Sub-Paragraph (b) is liable on summary conviction to a fine not exceeding level 3 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 where payment should be made and specify the permissible methods of payment.

THE COMMON SEAL of HASTINGS

BOROUGH COUNCIL was hereunto affixed the

Authorised Signatory

