

WOKING BOROUGH COUNCIL
PUBLIC SPACE PROTECTION ORDER 2021 (THE ORDER)
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

(PART 4, CHAPTER 2, SECTIONS 59 TO 75)

Woking Borough Council ("the Council") in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Public Spaces Protection Order ("the Order")

1. This Order shall come into force on 25th February 2022 for a period of 3 years.
2. Before expiry of this Order the Council may extend, vary or discharge it in accordance with the provisions of the Act
3. This Order relates to that part of the Borough of Woking as shown edged in red on the attached Plan ("the Restricted Area")
4. 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 Area through the use of intoxicating and psychoactive substances. These activities have a detrimental effect 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.
5. 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 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

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

"authorised persons" includes an Authorised Officer of the Council, Police Constable, Police Community Support Officer 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)

PROHIBITIONS

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Area:
 - A. Continue to drink alcohol when asked by an authorised person to stop, or
 - B. Fail to surrender any alcohol in their possession including sealed or unsealed containers which are believed to contain alcohol
2. Persons shall not within the Restricted Area:
 - 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 asked to do so by an authorised person

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 continuing to consume alcohol or refusing to surrender alcohol when asked by an authorised person to stop 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 continuing to consume alcohol or 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 to £75 if paid within 10 days otherwise the full penalty will be due. The Council will prosecute if the penalty is not paid within 29 days.

Appeals

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which this Order is made.

Appendix

A street plan showing the Restricted Area outlined in red

**GIVEN under the Common Seal of
Woking Borough Council**

On the ^{February AB} 25th day of ~~January~~ 2022

**THE COMMON SEAL of
WOKING BOROUGH COUNCIL**

Was hereunto affixed

In the presence of:

for Director of Legal and Democratic Services



Member of Corporate Management Group





APPENDIX

PUBLIC SPACE PROTECTION ORDER – PLAN

PSPO Boundary

October 2021



Post consultation V1



