

WOKING BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2015 (THE ORDER)

ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This Order may be cited as the Woking Borough Council Town Centre Public Spaces Protection Order Number 1 of 2016.

Woking Borough Council (the Council) in exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on **9 JUNE 2016** and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to that part of the Borough of Woking as shown edged red on the attached plan (the Exclusion Zone)
3. 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 Exclusion Zone through the use of intoxicating substances and begging. 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 have an such effect.
4. 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 is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Prohibitions

The activities described below are hereby prohibited:

1. Persons within the Exclusion Zone will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances
 - Intoxicating Substances is given the following definition (which includes Alcohol, Drugs and what are commonly referred to as 'legal highs'): Substances with the capacity to stimulate or depress the central nervous system.
 - Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.
 - Persons within Exclusion Zone who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.
 - An authorised person could be a Police Constable, Police Community Support Officer. Council Officer or any other person authorised by the Council, and must be able to present their authority upon request.
2. Persons within the Exclusion Zone will not be verbally abusive to any person or behave in a way that causes, or is likely to cause, harassment, alarm or distress to another person

3. Persons within Exclusion Zone will not approach another person either in person or verbally in order to beg from the other person;
4. Persons within Exclusion Zone will not sit or loiter in a public space with any receptacle used to contain monies for the purpose of begging.

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 consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine.
4. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. You will pay a reduced Penalty if paid within **14 days**. If you pay the Fixed Penalty Notice within **29 days** you will not be prosecuted.

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 the Order is made.

Appendix

A street plan of the Town Centre of Woking showing the Exclusion Zone edged red.

GIVEN under the Common Seal of
 Woking Borough Council
 On the day of 2016

THE COMMON SEAL of }
 WOKING BOROUGH COUNCIL }
 Was hereunto affixed }

In the presence of: }

The Mayor

Head of Democratic and Legal Services