

ELMBRIDGE BOROUGH COUNCIL

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

ELMBRIDGE BOROUGH COUNCIL
(WALTON-ON-THAMES TOWN CENTRE) PUBLIC SPACES PROTECTION
ORDER 2024

This Order may be cited as the Elmbridge Borough Council (Walton-on-Thames Town Centre) Public Spaces Protection Order 2024.

Elmbridge 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 the 3 April 2024 and shall have effect for 3 years at all times thereafter unless extended by further orders under the Council’s statutory powers.
2. The Order relates to all Public Places within Walton Town Centre shown edged red on the plan attached to this Order and thereon as the locations shown as affected (“Restricted Areas”).
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 restricted areas through the use of intoxicating and psychoactive substances or causing harassment, alarm or distress. These activities have a detrimental effect on the quality of life of those in the locality.
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 the Order. In all the circumstances, the Council considers it is expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a Public Place.

BY THIS ORDER

Definitions

‘Authorised Person’ includes an Officer of the Council, Police Constables, Police Community Support Officers or other persons authorised by the Council

‘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).

‘Interested Person’ means an individual who lives in a Restricted Area or who regularly works in or visits the area

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'Psychoactive Substance' means any substance not being an Exempted 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 health functioning or emotional state. **'Public Place'** under Section 74(1) of the Act means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

'Restricted Area' is that area identified in the PSPO Map. The restricted area includes the area detailed on the PSPO map and shown surrounded by the red border. Details of the included roads can be found on the PSPO Map which accompanies this Order.

Prohibitions

The activities described below are hereby prohibited: -

1. Persons shall not within **Restricted Areas**:

- Continue to drink alcohol when asked to stop by an Authorised Person: or
- Fail to surrender any alcohol in their possession when asked to do so by an Authorised Person

2. Persons shall not within **Restricted Areas**:

- Continue to ingest, inhale, inject, smoke or otherwise use Psychoactive Substances when asked by an Authorised Person to stop; or
- Fail to surrender any Psychoactive Substance in their possession when asked to do so by an Authorised Person.

3. Persons shall not within **Restricted Areas**:

- Cycle, skateboard, scooter or hover-board in a dangerous or anti-social manner which is causing or is likely to cause harassment, alarm and distress
- Fail to surrender the above mode of transport when asked to do so by an Authorised Person

4. Persons shall not within **Restricted Areas**:

- Fail to comply with a request by any Authorised Person to leave an area as behaviour is likely to cause harassment, alarm and distress

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 refusing to surrender alcohol to an Authorised Person 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 in breach of this Order other than by refusing to surrender alcohol to an Authorised Person is liable to

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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 if paid within 10 days otherwise the full penalty will be due. If you do not pay the penalty within 15 days, you may be prosecuted.

Appeals

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.

THE COMMON SEAL of
ELMBRIDGE BOROUGH COUNCIL
was hereunto affixed this 3 day of April
in the presence of:

2024

Victoria Statham

Name: VICTORIA STATHAM
Position: HEAD OF LEGAL & GOVERNANCE

