

## SURREY HEATH BOROUGH COUNCIL

### THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

#### PUBLIC SPACES PROTECTION ORDER (SURREY HEATH) 2017

Notice is hereby given that Surrey Heath Borough Council ("the Council") proposed the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

1. This order shall come into operation on the 14<sup>th</sup> October 2017 and shall have effect for 3 years thereafter unless extended by further orders under the Council's statutory powers.
2. The Order applies to the public places within Surrey Heath in the Schedules 1-7 of this order shown red on the attached plans – ("the 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, begging and irresponsible dog ownership/control. 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.
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 are unreasonable and justify the 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 payment or otherwise, as of right or by virtue of express or implied permission.

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

**'authorised persons'** includes an Authorities Officer of the Council, Police Constables, Police Community Support Officers 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)

**'loitering'** to remain in any one place with no apparent purpose.

## **Prohibitions**

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Areas as detailed in Schedule 1:
  - 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.

Psychoactive Substance is given the following definition (which includes Drugs that 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 hygiene.

2. Persons shall not within the Restricted Areas as detailed in Schedule 2:
  - A. Continue to drink alcohol when asked to stop by an authorised person or
  - B. Fail to surrender any alcohol in their possession when asked to do so by an authorised person.
3. Persons shall not within the Restricted Area in Schedule 3 sit or loiter, in a public space as to actively beg, to include: verbal, non-verbal, written or non-written requests for goods, money or donations unless they are authorised at an appropriate location.

## **Obligations on persons with dogs:**

### Fouling

If a dog defecates at any time within the Restricted Area specified in Schedule 4 to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:-

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

### Dogs on Leads by order

A person in charge of a dog within the Restricted Area specified in Schedule 5 to which this order applies must comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead unless:-

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

### Exclusion of Dogs

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols to that effect) which is designated and marked for children's play as detailed in plans at Schedule 6, unless;

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

### Dogs on Leads (Bird-nesting season)

A person in charge of a dog shall be guilty of an offence if, at any time, during 1st March – 31st July, within the Restricted Area specified in Schedule 7, they do not keep the dog on a lead unless;

- A. They have reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

### Exemptions

The obligations on persons with dogs shall not apply to a person who:-

- A. Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- B. Has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order:-

- A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the Restricted Area.
- Not being aware of the defecation or not having a device for or suitable means of removing the faeces shall not be a reasonable excuse for failing to remove it.
- "Authorised Officer" means an employee, partnership agency or contractor of Surrey Heath Borough Council who is authorised in writing by Surrey Heath Borough Council for the purposes of giving directions under this Order.

### **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 to be in breach of this Order other than by 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 by 50% if paid within 14 days otherwise the full penalty will be due. The Council will not prosecute if the penalty is paid within 29 days.

THE COMMON SEAL of  
SURREY HEATH BOROUGH COUNCIL  
Was here unto affixed this 13<sup>th</sup> day of October, 2017  
In the presence of:

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15400



*Matthew Sawap*

Solicitor to the Council

## Additional Notes

### Restricted Area

1. Schedule 1 - Psychoactive Substances

All public places within the whole area of Surrey Heath Borough Council within Schedule 1.

2. Schedule 2 - Alcohol Control Zones

All public places as outlined and marked red within Schedule 2.

3. Schedule 3 – Begging

The Public area within Camberley Town Centre as marked red within Schedule 3.

4. Schedule 4 - Dog Fouling

All public places within the whole area of Surrey Heath Borough Council within Schedule 4.

5. Schedule 5 - Dogs on Lead by Order

All public places within the whole area of Surrey Heath Borough Council within Schedule 5.

6. Schedule 6 - Dog Exclusion Areas - Children's Playgrounds

All public places as outlined and marked red in Schedule 6

7. Schedule 7- Bird Nesting Season

Dogs to be kept on leads during the bird nesting season in a designated part of Lightwater Country Park marked red on map in Schedule 7 from 1<sup>st</sup> March – 31<sup>st</sup> July.

### Prescribed Charities

8. For the purposes of this Order, each of the following is a "prescribed charity";-
- (i) Dogs for the Disabled (registered charity number 700454);
  - (ii) Support Dogs Limited (registered charity number 1088281);
  - (iii) Canine Partners for Independence (registered charity number 803680);
  - (iv) Guide Dogs for the Blind (registered charity number 209617)