

Public Spaces Protection Order Extension and Variation

London Borough of Waltham Forest

Notice is hereby given that Waltham Forest Council ("the Council") on 7th July 2022 agreed the extension and variation to create a single boroughwide Public Spaces Protection Orders('Order') made pursuant to Part 4, Chapter 2, sections, 59, 60(2) and 61(1)(b) of the Anti-Social Behaviour, Crime and Policing Act 2014 ('ASBCPA 2014') by a period of 3 years.

The current Public Spaces Protection Orders operating separately south of the north circular A406 and north of the north circular A406 are due to expire at midnight on 4 September 2022 and 9 October 2022 respectively. These will be discharged at midnight on 4th September 2022.

The land described by appendix 1 map being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Proposed Order. The Proposed Orders may be cited as the London Borough of Waltham Forest Public Spaces Protection Order.

The single boroughwide Public Spaces Protection Order will begin on 5th September 2022 for a period of three years.

The Council being satisfied that activities have been carried out in this Restricted Area have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed under the Order made by the Council on 7th July 2022.

The effect of the Order

The effect of the extended and varied order is to impose the following conditions on the use of the land. In this area any person who continues to carry out activities from which they are prohibited commits an offence namely;

- a) No person shall refuse to stop drinking alcohol (unless they are in a licensed premise or at a venue where a temporary event notice is in place) or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required, to do so by an authorised officer in order to prevent public nuisance or disorder.
- b) No person shall beg in a manner reasonably perceived to be intimidating or aggressive.
- c) No person shall be verbally abusive to any person or behave in a way which causes or is likely to cause harassment alarm or distress to another person.

- d) No person shall urinate, defecate, or spit in a public place. This includes the doorway or alcove of any premises to which the public has access.
- e) No persons shall gather in groups of 2 or more whilst engaging in nuisance or criminal behaviour. This will not apply to persons going to or from a parked vehicle or waiting for a scheduled bus at a designated bus stop unless they are engaging in nuisance or criminal behaviour.
- f) No person shall cause a motor vehicle of any description to stop on zig zag markings outside a school premises during prescribed hours as indicated by the appropriate signage.
- g) No driver or passenger of a moped/motorbike or similar form of transport shall gather in groups of 3 or more or drive/ride in such a way to cause harassment, alarm, distress or annoyance to the community

The Order also stipulates the following requirements:

- (i) Consumption of alcohol in breach of prohibition in this Order

Under Section 63 where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition, the constable or authorised person may require that person:

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A constable or an authorised person who imposes a requirement above must inform the person that failing without reasonable excuse to comply with the requirement is an offence.

A constable or an authorised person may dispose of anything surrendered in whatever way he or she thinks appropriate.

A person who fails without reasonable excuse to comply with a requirement imposed on him commits an offence under Section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(ii) Any person directed to leave an area by any officer authorised to make such a direction by the Council or Police, shall do so. Such a direction may be given where the officer is satisfied that the person concerned has breached this order either by:

- consuming alcohol in the manner described in paragraph (i) above; or
- by behaving in a manner which is likely to cause harassment, alarm, distress or annoyance or
- Begging in an aggressive or intimidating manner.

Failure without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the 2014 Act. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised Council Officer or persons authorised by the Council may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

In making this Order the Council had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

The Order shall come into operation on 5th September 2022 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question 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, then he or she may apply to the High Court within six weeks from the date upon which the order was made on 7th July 2022.