

Anti-Social Behaviour, Crime and Policing Act 2014 - Public Spaces Protection Order (no. 1 of 2018)

Psychoactive substances, begging, rough sleeping, amplified noise

This Order is made by Tunbridge Wells Borough Council (“the Council”) and may be cited as the **Public Spaces Protection Order – Town Centre (No. 1 of 2018)** (“the Order”)

1. This Order relates to any public place in the part of Tunbridge Wells shown edged red on the plan attached at Schedule 1 of this Order (“the restricted area”)
2. This Order shall come into force on **25th September 2018** and shall have effect for a period of 3 years thereafter, unless extended by further order under the Council’s statutory powers
3. This Order is made by the Council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) having carried out the necessary consultation and being satisfied on reasonable grounds that:
 - a. The activities identified below have been carried on in a public place within the restricted area and have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will take place and that they will have a detrimental effect; and
 - b. The effect, or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the Order
4. The Council has had regard to the rights and freedoms under Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) as set out in the European Convention on Human Rights and is satisfied that the restrictions imposed by this Order are lawful, necessary and proportionate

The activities described below are hereby prohibited:

Using and possessing new psychoactive substances

5. No person shall use or possess any psychoactive substance
6. Persons who breach this prohibition shall surrender any psychoactive substance in their possession to an authorised officer

Begging

7. No person shall approach another person either physically or verbally in order to beg from the other person
8. No person shall sit or loiter for an unreasonable time with any receptacle being used to contain monies for the purpose of begging
9. Any person in breach of this prohibition must clear up their belongings and litter and move at least 50 meters from where they were begging
10. This prohibition does not apply to any authorised collections made on behalf of a registered charity

Rough sleeping with anti-social behaviour

11. No person shall sleep in the restricted area if by doing so that person is having a detrimental impact upon the local community
12. For the purposes of this prohibition, anti-social behaviour that has a detrimental impact upon the local community includes, but is not limited to:
 - a. Causing an obstruction to members of the public and local businesses
 - b. Excessive hoarding of belongings
 - c. Creating significant amounts of litter
 - d. Urinating and defecating in public
 - e. Causing harassment, alarm or distress to others
13. Any person in breach of this prohibition must clear up their belongings and litter and move at least 50 meters from where they were sleeping

Making amplified noise

14. No person shall make amplified noise if:

- a. The Council has received complaints from businesses or local residents about the amplified noise, and
- b. The amplified noise is assessed by an authorised officer to be causing, or likely to be causing, an unreasonable disturbance to those in the locality, and
- c. An authorised officer has told the person to stop making amplified noise

15. Any person in breach of this prohibition must stop using an amplifier within the restricted area for a period of not less than 24 hours

Offence of failing to comply with the Order

16. It is an offence for a person without reasonable excuse to:

- a. Do anything that the person is prohibited from doing by the Order; or
- b. Fail to comply with a requirement to which the person is subject under the Order

17. Any person who commits an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale

Fixed penalty notices

18. An authorised officer may issue a fixed penalty notice of up to £100 to anyone who he or she has reason to believe has committed an offence under the Act

19. If the fixed penalty notice is not paid the person to whom it is issued remains liable upon conviction to a fine

Right of appeal

20. If any interested person wishes to question the validity of this Order they may do so by applying to the High Court on the grounds that the Council did not have power to make the Order or to include particular prohibitions or requirements imposed by the Order; or that a requirement under Chapter 2 of the Act was not complied with

21. An application to the High Court must be made within the period of 6 weeks beginning with the date on which the Order is made

Definitions

“**authorised officer**” means a Police Constable, a designated Police Community Support Officer or an officer with delegated authority from the Council to enforce the Order

“**exempted substance**” means any of the following substances: controlled drugs, medicinal products, alcohol, nicotine, tobacco and tobacco products, caffeine products and food ordinarily consumed as food, including drinks

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

“**psychoactive substance**” means any substance which is capable of stimulating or depressing the user’s central nervous system thereby affecting the user’s mental functioning or emotional state and is not an exempted substance

“**public place**” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

“**registered charity**” means a charity registered with the Charity Commission

“**restricted area**” means any public place in the part of Tunbridge Wells shown edged red on the plan attached at Schedule 1 of this Order

“**use**” means ingest, inhale, inject, smoke or otherwise consume

GIVEN under the Common Seal of Tunbridge Wells Borough Council on the 25th day of September 2018

THE COMMON SEAL of Tunbridge Wells Borough Council

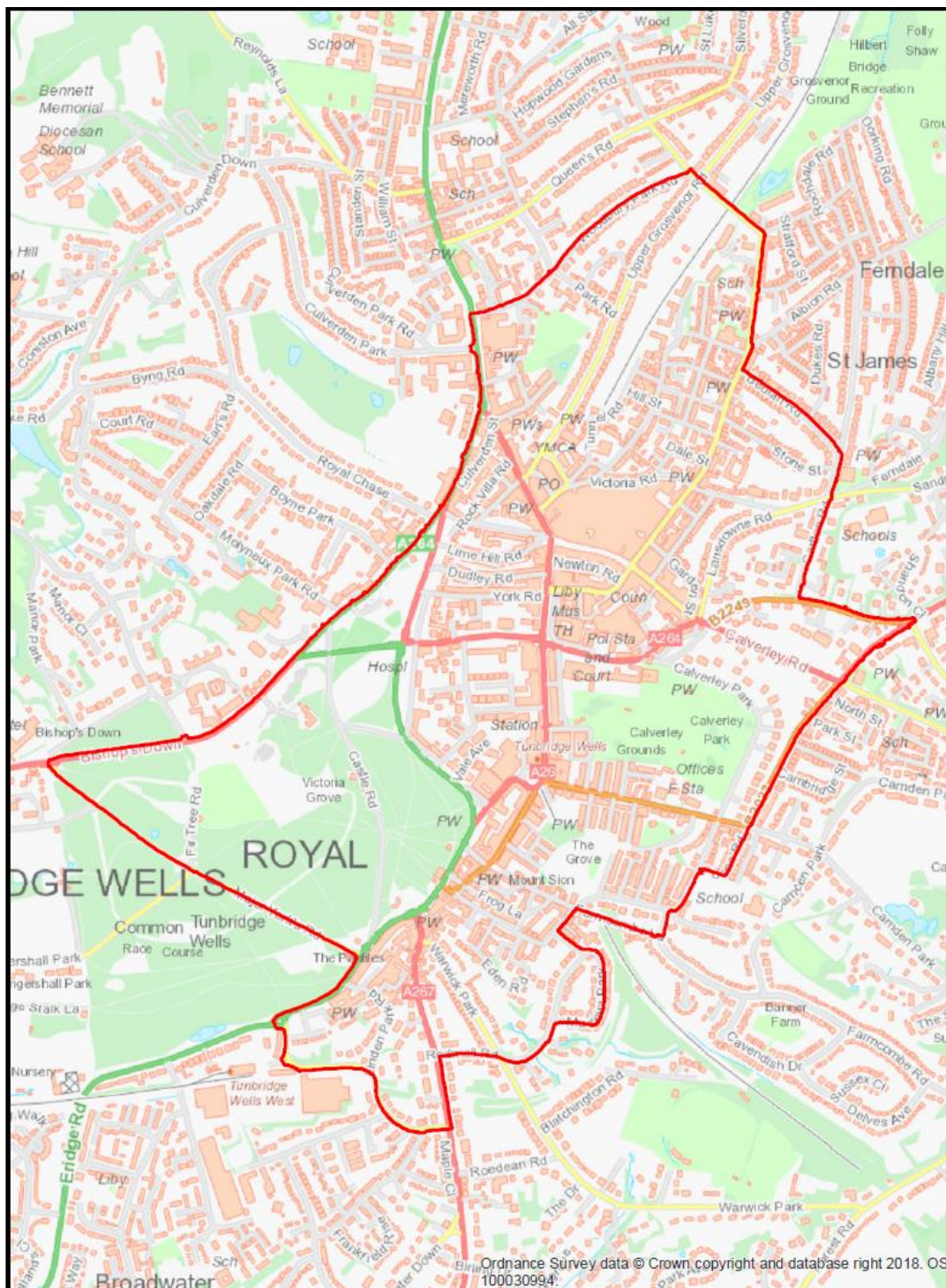


Was hereunto affixed in the presence of:-


.....
Authorised Signatory
.....
.....

Public Spaces Protection Order – Town Centre (no. 1 of 2018)

Schedule 1 – The Restricted Area



Description of the area to which the restrictions apply

The length of Woodbury Park Road eastward to junction with Dunstan Road.
South-east along Dunstan Road to junction with Grosvenor Bridge.
South-east along Grosvenor Bridge leading to Quarry Road.
South along Quarry Road leading to Camden Road.
South along Camden Road to the junction with Beulah Road.
South-east along Beulah Road to the junction with St. James' Road.
South along St. James' Road to the junction with Carlton Road.
South along Carlton Road to the junction with Calverley Park Gardens.
East along Calverley Park Gardens to the junction with Pembury Road.
South-west along Pembury Road leading to Prospect Road.
South along Prospect Road leading to Poona Road.
South along Poona Road leading to the junction with Claremont Road.
South along Claremont Road to the junction with Farmcombe Road.
South along Farmcombe Road to the junction with Farmcombe Lane.
West along Farmcombe Lane to the junction with Mount Sion.
South along Mount Sion to the junction with Madeira Park.
East along Madeira Park to its easternmost point and south leading to Rodmell Road.
West along Rodmell Road to the junction with Frant Road, crossing Warwick Park.
South along Frant Road to the junction with Montacute Road.
West along Montacute Road to the junction with Linden Park Road.
West along Linden Park Road to the junction with Nevill Terrace.
North along Nevill Terrace to the junction with Eridge Road.
East along Eridge Road leading to London Road.
East along London Road to the junction with Major York's Road.
North-west along Major York's Road to the junction with Bishops Down.
East along Bishops Down leading to Mount Ephraim.
East along Mount Ephraim to the junction with St Johns Road.
North along St Johns Road to the junction with Woodbury Park Road.

If there is any conflict between the written description and the map(s) the area as delineated on the map shall prevail.

The following public, or readily accessible, areas are included in the zone:

Car parks

Beech Street
Camden Road
Crescent Road
Former Cinema (Church Road private)
Great Hall
Grove Hill Road (Hoopers – private)

Linden Park Road
Little Mount Sion
Meadow Road
Mount Pleasant Avenue
Royal Victoria Place
Stone Street
Torrington
Town Hall Yard
Union House
Warwick Road (Season Ticket)

Public parks

Calverley Grounds
The Grove
Hilbert Recreation Ground
Grosvenor Recreation Ground
St Johns Recreation Ground

Covered shopping areas

Royal Victoria Place
The Corn Exchange

Other open spaces

Tunbridge Wells Common (north of Major York's Road and east of Bishops Down and Mount Ephraim)