

HENLEY PUBLIC SPACES PROTECTION ORDER

ANTI SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PART 4, SECTIONS 60 AND 61

PUBLIC SPACES PROTECTION ORDER No. 2 of 2018 (Henley-on-Thames) - extended and varied

South Oxfordshire District Council (the Council) in exercise of the power under sections 60 and 61 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in sections 60 and 61 of the Act have been met, extends and varies the Order as follows:

The Order applies to an increased area of the public place being that part of Henley-on-Thames shown edged blue on the map contained in this Order ("the restricted area") for a further 3 years. The activities having a detrimental effect on the quality of life of those in the locality, or that are likely to be carried out in the restricted area and will have such an effect, are behaving in a way that is causing or likely to cause nuisance, alarm, harassment or distress to any other person due to the consumption of alcohol and/or whilst being in a group of three or more. The Order provides:

1. A person must stop drinking alcohol and/or surrender any container (sealed or unsealed) which is believed to contain alcohol, when required to do so by an authorised person.

The provisions of Section 63 of the Act (Consumption of alcohol in breach of prohibition in order) applies to this part (Article 1) of this order, as follows.

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P) -
- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section "authorised person" means a person authorised for the purposes of this section by the local authority that made the public spaces protection order

- (2) The constable or authorised person may require P-
- (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.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person-

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2) (b) in whatever way he or she thinks appropriate.

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

2. A person is prohibited from congregating in a group of three or more people within the restricted area after a constable or authorised person has requested that the group disperse.

A constable or authorised person may request that a group within the restricted area disperse where they reasonably suspect any person in that group to be causing or likely to cause nuisance, alarm, harassment or distress to any other person.

The provisions of Section 67 of the Act (Offence of failing to comply with order) applies to this part (Article 2) of this order, as follows:

(1) It is an offence for a person without reasonable excuse -

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

This extended and varied Order shall come into force on 1 May 2024 and remain in place for a period of three years.

Appeal

Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation,

for instance consultation, has not been complied with. When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash or vary the Order.

Dated this day of 2024

THE COMMON SEAL OF
SOUTH OXFORDSHIRE DISTRICT COUNCIL

was hereunto affixed under the authentication of:

Proposal

HENLEY-ON-THAMES PUBLIC SPACES PROTECTION ORDER

