

Appendix 1

HARLOW DISTRICT COUNCIL ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Public Spaces Protection Order shall come into effect on2019 for a period of three years.

Harlow District Council (“the Council”) in exercise of the power under section 59 of The Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”), and of all enabling powers being satisfied that the conditions set out in section 59 of the Act have been met and makes the following order (“the Order”):

1. This order relates to the public space within the area edged red on the plan of Harlow, attached as Appendix 1, being a public space in the Council’s area to which the Act applies.
2. The Council is satisfied on reasonable grounds that the three conditions below have been met, in that:-
 - a) Activities carried out in the restricted area as described below have had a detrimental effect of the quality of life of those in the locality, or it is likely that these activities will be carried on in a public place and they will have such an effect.
 - b) The effect or likely effect of the activities is, or is likely to be, of a persistent and continuing nature, is or is likely to be, unreasonable, and justifies the restrictions imposed by this Order.
 - c) The restricted behaviour is, or is likely to be unreasonable.

3. Authorised officer

In this order “an authorised officer” means an authorised officer of the Council, a police officer, a police community support officer or an officer accredited under the community safety accreditation scheme as designed by the Council.

4. The effect of this order is to impose the following prohibitions and/or requirements at all times:-

Ball Games

No person shall play ball games including any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing or catching excluding the provision of playing table tennis within the area hatched blue on the plan attached at Appendix 1.

Alcohol

Restrictions apply, at any time for the person(s) consuming alcohol or having an alcohol container, in the restricted area unless subject to the exemptions listed in Appendix 2 below.

- a) In this area, Appendix 1, any person who without reasonable excuse continues drinking intoxicating liquor in the restricted area when asked to stop by an authorised officer, commits an offence.
- b) Or fails to surrender any intoxicating liquor in their possession when asked to do so by an authorised Officer, commits an offence.
- c) An authorised person who imposes a requirement under paragraph 4a or 4b must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

5. Penalty

- a) It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- b) In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding £500, level 2 on the standard scale or to a Fixed Penalty Notice up to £80.
- c) In accordance with section 67 of the Act, a person found to be in breach of this Order, other than by consuming alcohol or by refusing to surrender alcohol to an authorised person, is liable on summary conviction to a fine not exceeding £1000, level 3 on the standard scale or to a Fixed Penalty Notice up to £80.

6. Appeals

- a) 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.

Appendix 1

Map of area

Appendix 2

- a) Premises authorised by a premises licence or temporary event notice to be used for the supply of alcohol.

- b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol.
- c) A place within the curtilage of premises within paragraph (a) or (b).

SEALED with the Common Seal of
Harlow District Council

This day of 2019

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Duly Authorised Officer

DRAFT