

ASB, Crime and Policing Act 2014 (S59–75)

KING'S ARMS COURT

PUBLIC SPACES PROTECTION ORDER 2016

The LONDON BOROUGH OF TOWER HAMLETS (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and being satisfied that the conditions set out in sections 59 & 72 of the Act have been met, makes the following Order:

This Order may be cited as the LONDON BOROUGH OF TOWER HAMLETS King’s Arms Court (KAC) Public Spaces Protection Order 2016 and shall come into force on **1st October 2016** and remain in place for 3 years, unless extended by further orders under the Council’s statutory powers.

The Order applies to the pedestrian footpath connecting Old Montague Street and Whitechapel Road, which is shown delineated by a blue line on the plan annexed to this Order and marked Schedule 1. (Hereafter referred to as the “Restricted Area”)



The following prohibitions are imposed on the use of the Restricted Area:



LOITERING & CONGREGATING

1. No person shall loiter, congregate, sleep or sit within the Restricted Area.



SHOUTING, SWEARING AND BEHAVIOUR CAUSING ANNOYANCE HARASSMENT ALARM OR DISTRESS

2. No person shall shout, swear, or act in a manner as to cause annoyance harassment alarm or distress to any person.



URINATING OR DEFECATING

3. No person shall urinate or defecate within the Restricted Area.



PROHIBITION OF ALCOHOL CONSUMPTION

4. No person shall be in possession of an open container of alcohol or consume alcohol within the Restricted Area.

5. Any person who, without reasonable excuse, continues consuming alcohol in the Restricted Area when asked not to consume alcohol by a constable or an authorised person commits an offence.

6. Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so by a constable or an authorised person in the Restricted Area commits an offence.



DRUG DEALING & PROSTITUTION

7. No person shall use, supply or be in possession of any illegal drug in the Restricted Area.

8. No person shall offer sexual services or participate in a sexual act within the Restricted Area.



FLY-TIPPING & LITTERING

9. No person shall litter, dump rubbish or fly-tip within the Restricted Area.

PENALTY

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

- a) do anything that the person is prohibited from doing by a PSPO (other than consume alcohol – see below); or
- b) fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

ENFORCEMENT

11. The Order shall be enforced by officers of the Metropolitan Police Service and officers from the London Borough of Tower Hamlets.

APPEALS

12. Any challenge to this order must be made in the High Court by an interested person within six 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 power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have 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 totality. The High Court has the ability to uphold the order, quash it, or vary it.

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(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 a 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

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order



TOTAL POLICING

