

Horsham District Council
Public Spaces Protection Order 2021
Anti-Social Behaviour, Crime and Policing Act 2014

Horsham District Council ("The Council") makes this Public Spaces Protection Order (the "Order") in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied on reasonable grounds that the activities set out below have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect.

This Order may be cited as the Public Spaces Protection Order (Horsham District) 2021.

The Council is also satisfied that the effect, or likely effect, is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order. In all circumstances the making of this Order is considered expedient for the purpose of reducing anti-social behaviour in a public place.

The Order comes into force at midnight on Thursday **1st April 2021** for a period of three years thereafter, unless extended by further orders under the Council's statutory powers.

Definitions of terms used in this Order and Appendices to this Order:

Alcohol	has the meaning given by section 191 of the Licensing Act 2003.
Authorised Officer	means – i) an Authorised Officer of the Council; ii) a police constable; or iii) a community support officer designated under Paragraph 5 of Part 1 of Schedule 4 to the Police Reform Act 2002.
Big Issue Foundation	means the charity registered with the Charity Commission in England and Wales under number 1049077.

Big Issue Magazine	means a periodical magazine published by the Big Issue Foundation.
Busking	<p>means the provision of Entertainment in the Restricted Area but does not include the provision of Entertainment</p> <ul style="list-style-type: none"> i) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing)); ii) which is authorised specifically to take place in a street under any other enactment; or iii) consisting of music performed as an incident of a religious meeting, procession or service; and "Busk" and "Busks" shall be construed accordingly.
Car Parks	are the Forum, Piries Place and Swan Walk car parks within the Restricted Area and includes the grounds, interior parts, stairwells and lifts.
District	means the district of Horsham as land designated in Appendix A to this Order outlined in red on the Plan that is Open to the Air and a Public Place within the Horsham District.
Drug	means controlled drugs if they are specified as being of Class A, B or C, as set out in Parts I, II or III of Schedule 2 to the Misuse of Drugs Act 1971.
Electronic Cigarette	<p>means a product that—</p> <ul style="list-style-type: none"> (a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges); and (b) is not a medicinal product or medical device.
Entertainment	<p>includes but is not limited to the following types of behaviour –</p> <ul style="list-style-type: none"> i) the playing of music or use of a musical instrument; ii) mime;

	<ul style="list-style-type: none"> iii) singing; iv) dancing; v) street theatre; or vi) other form of entertainment or activity with the aim of attracting an audience and or receiving payment or donation in the form of money or goods.
Exempted Substance	has the meaning given by paragraphs 2 – 7 of Schedule 1 of the Psychoactive Substances Act 2016.
No Alcohol Zone	Is the area as land designated in Appendix B and C to this Order outlined in blue on the Plans and inclusive of all the land within which is a Public Place.
Open to the Air	means land which is open to the air on at least one side and for the avoidance of doubt this includes car parks which are covered and multi storey car parks.
Plan	a plan attached to this Order.
Premises Licence	means a licence granted under the Licensing 2003 Act.
Psychoactive Substance	has the meaning given by section 2 of the Psychoactive Substances Act 2016 and includes Nitrous Oxide.
Public Place	has the meaning given by section 74(1) of the Anti-social Behaviour, Crime and Policing Act 2014 which 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.
Restricted Area	means the land designated in Appendix B to this Order outlined in red on the Plan.
tobacco product for smoking	has the same definition and associated definitions for products in Section 2(1) of the Tobacco and Related Products Regulations 2016.
the 2014 Act	Anti-social Behaviour, Crime and Policing Act 2014.

The activities described below are hereby prohibited from the date of this Order:

1. CONSUMPTION OF ALCOHOL IN A PUBLIC PLACE (SECTION 63 OF THE 2014 ACT)

1.1. The consumption of Alcohol in any Public Place within the District is prohibited, where an Authorised Officer reasonably believes that a person is causing, or is likely to cause nuisance, resulting from the consumption of alcohol.

1.2. An Authorised Officer may require the person:

- a) not to consume, in breach of this Order, alcohol or anything which the Authorised Officer reasonably believes to be Alcohol;
- b) to surrender anything in the person's possession which is, or which the Authorised Officer reasonably believes to be, Alcohol or a container for Alcohol (sealed or unsealed).

1.3. An Authorised Officer who imposes a requirement on a person must tell that person that failing without reasonable excuse to comply with that requirement is an offence.

1.4. A requirement imposed by an Authorised Officer under this section of this Order is not valid if Authorised Officer is asked by to show evidence of their authorisation and fails to do so.

1.5. An Authorised Officer may dispose of anything surrendered under this section in any way they consider appropriate.

1.6. The consumption of Alcohol in the No Alcohol Zone (Appendix C) is prohibited.

1.7. In relation to the prohibition on consuming Alcohol made by this Order outlined above, a person who without reasonable excuse fails to comply with a requirement imposed on him or her by an Authorised Officer to stop drinking or surrender containers commits an offence and is liable on

summary conviction to a fine not exceeding level 2 on the standard scale or to a Fixed Penalty Notice up to £100.

2. UNAUTHORISED ACCESS AND NUISANCE BEHAVIOUR

2.1. Nuisance behaviour associated with unauthorised access to or use of any part of a building (including its exterior, fixtures and furnishings) or street furniture in a way which causes alarm, harassment or distress to any person or causes damage to any part of a building or street furniture are prohibited within the Restricted Area.

2.2. An Authorised Officer who imposes a requirement on a person to comply with this requirement must tell that person that failing without reasonable excuse to comply with that requirement is an offence.

3. ANTI-SOCIAL USE OF VEHICLES

3.1. The creation of noise from a mechanically propelled vehicle, or behaviour using of a mechanically propelled vehicle in any Public Place within the District by a person in a way likely to cause nuisance or annoyance to a member of the public, or a risk of harm, damage or injury to a person or property in any Public Place within the District is hereby prohibited.

This includes, but is not limited to the following behaviour which is prohibited:

- a) The revving of engines as to cause annoyance;
- b) Repeated sudden and rapid acceleration;
- c) Racing;
- d) Performing stunts;
- e) Sounding horns so as to cause annoyance;
- f) Playing music within the mechanically propelled vehicle at excessive volume as to cause annoyance;
- g) Gathering in groups of two or more mechanically propelled vehicle as to cause harassment, alarm or distress;
- h) Causing an obstruction on the highway (pavement or road), whether moving or stationary, including driving in convoy; and

- i) Using threatening or intimidating behaviour towards another person.

4. HORSE DRAWN VEHICLES

4.1. The racing of, conducting time trials with, or exercising of a horse (including pony, ass or mule) and horse-drawn vehicle on any dual carriageway road within the District is hereby prohibited. This includes both the A24 and A264 roads.

5. DOG FOULING

5.1. If a dog defecates at any time on any Public Place Open to the Air within the District, the owner, or person in charge of, said dog shall remove the faeces from the land.

Exceptions (Dog Fouling)

5.2. This section does not apply if:

- a) The owner, occupier or other person in authority having control of the land consents to a person not removing faeces.
- b) The owner of or person in charge of the dog, is registered blind.

6. CONTROL OF DOGS

6.1. In any Public Place within the District, the owner or person in charge of a dog must keep their dog under proper control and, upon the request of an Authorised Officer, keep the dog on a lead to prevent nuisance to other people, animals or birds.

7. PROHIBITION OF THE POSSESSION OR CONSUMPTION OF PSYCHOACTIVE SUBSTANCES

7.1. No person shall possess (for the consumption or intended consumption by individuals for its psychoactive effects) or consume a Psychoactive

Substance in any Public Place within the District other than Exempted Substances.

7.2. An Authorised Officer who imposes a requirement on a person must tell that person that failing without reasonable excuse to comply with that requirement is an offence.

7.3. A requirement imposed by an Authorised Officer under this section of this Order is not valid if Authorised Officer is asked by to show evidence of their authorisation and fails to do so.

7.4. An Authorised Officer may require the person to surrender anything in the person's possession which is, or which the Authorised Officer reasonably believes to be, a Psychoactive Substance or a container for Psychoactive Substance (sealed or unsealed), and to dispose of anything surrendered under this section in any way they consider appropriate.

8. NO UNLICENSED BUSKING

8.1. No person shall perform any type of Entertainment or Busking within the Restricted Area unless licenced to do so by the Council and is compliant with the conditions of the licence.

9. PROHIBITION OF SELLING OF PERIODICALS

9.1. No person shall sell or offer for sale any periodical or publication (whether produced at regular intervals or one off) including those which contain any prize draws or competitions where the success depends on the exercise of skill, judgment or knowledge within the Restricted Area.

9.2. No person shall sell or offer for sale the Big Issue Magazine within the Restricted Area unless they are wearing their Big Issue tabard issued by the Big Issue Foundation, and displaying their valid Big Issue identification badge issued by the Big Issue Foundation.

10. PROHIBITION OF ANTI-SOCIAL BEHAVIOUR (OR NUISANCE) BEHAVIOUR IN THE CAR PARKS

10.1. No person in any part of the Car Parks shall:

- a) Consume any tobacco product for smoking or Electronic Cigarette; or
- b) Consume Alcohol or Drugs; or
- c) Behave in a manner that is likely to result in any member of the public being intimidated, harassed, alarmed or distressed; or
- d) Behave in a manner that is likely to cause a risk of harm, damage or injury to a person or property; or
- e) Gather or loiter with any other person(s) in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public; or
- f) Play ball games, or
- g) Cycle in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public; or
- h) Obstruct ingress to or egress; or
- i) Prevent or hinder the street cleansing activity of the Council; or
- j) Hinder the free passage of pedestrians or vehicles; or
- k) Skate (whether using inline, roller skates, a skateboard, or a foot scooter).

OFFENCE OF FAILING TO COMPLY WITH THIS ORDER

A person who fails without reasonable excuse to comply with a prohibition and or requirement imposed on him or her under this Order commits a criminal offence. This offence is punishable by a fine in the Magistrates' Court on summary conviction to a fine not exceeding level 3 on the standard scale or to a Fixed Penalty Notice up to £100.

APPEALS AND CHALLENGES

In accordance with Section 66 of the 2014 Act, any challenge to this Order must be made in the High Court by an interested person within six weeks of the date that the Order was made.

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 than any requirements of the 2014 Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

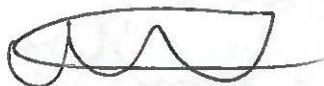
An interested person is defined by the 2014 Act as someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

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.

GIVEN under the COMMON SEAL of HORSHAM DISTRICT COUNCIL on the day of 30th March 2021

THE COMMON SEAL OF
HORSHAM DISTRICT COUNCIL

Was hereunto affixed in the presence
of:-



Lauren Kelly - Authorised Signatory
For and on behalf of the
Head of Legal & Democratic Services



17281

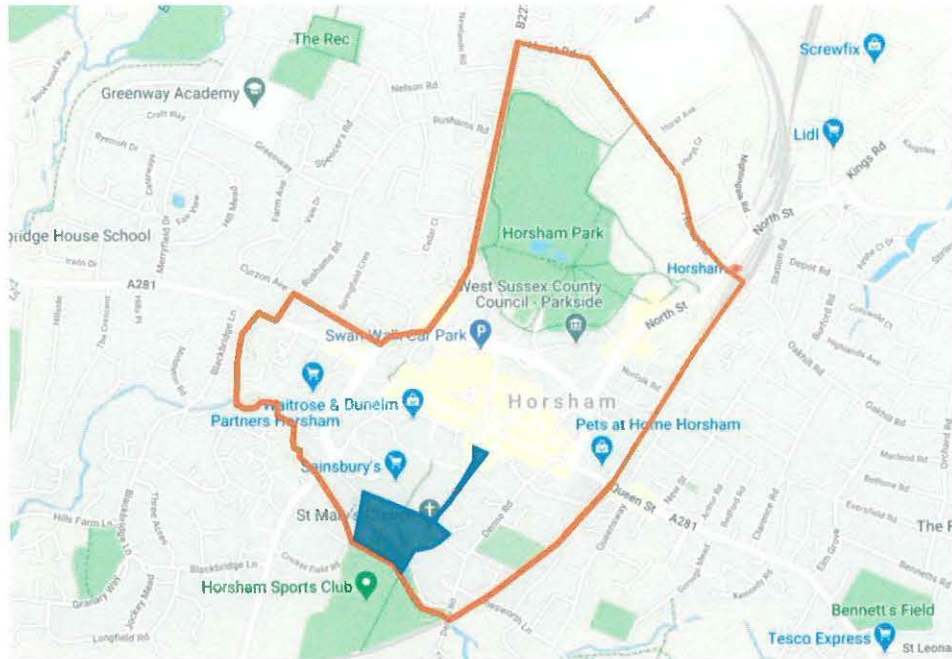
Appendix A - Map showing the Horsham District Boundary

This Order applies to all land outlined with a bold red line on the Plan that is Open to the Air and a Public Place within the Horsham District.



Appendix B - Map showing Horsham Town Centre Boundary

The Restricted Area applicable to this Order outlined with a bold red line on this Plan, the land outlined and contained in blue shows the No Alcohol Zone.



Appendix C - Map showing the No Alcohol Zone

An enlarged Plan of the No Alcohol Zone from Appendix B.

