

**Horsham District Council**  
**Public Spaces Protection Order 2018**  
**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) 2018.

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 Sunday 1<sup>st</sup> April 2018 for a period of three years thereafter, unless extended by further orders under the Council's statutory powers.

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 Act)**

The consumption of alcohol in any place to which the public has access within Horsham District is prohibited, where a constable, police community support officer or duly authorised Horsham District Council Officer (hereafter "Authorised Officer") reasonably believes that a person:

- a) is or has been consuming alcohol in breach of this prohibition, or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition

The constable, police community support officer or authorised officer may require the person:

- a) not to consume, in breach of this Order, alcohol or anything which the constable, police community support officer or authorised officer reasonably believes to be alcohol;
- b) to surrender anything in the person's possession which is, or which the constable, police community support officer or authorised officer reasonably believes to be, alcohol or a container for alcohol.

A constable, police community support officer or 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.

### **AUTHORISED OFFICERS**

A requirement imposed by an authorised officer is not valid if the person asks the officer to show evidence of his or her authorisation and they fail to do so.

### **DISPOSAL OF ITEMS**

A constable, police community support officer or authorised officer may dispose of anything surrendered under this section in any way he or she thinks appropriate.

### **PREMISES TO WHICH THIS PROHIBITION DOES NOT APPLY**

This prohibition does not apply to the following premises:

- a) premises (other than council-operated licensed premises) authorised by a premises licence 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 paragraphs a) or b) above;
- d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

This prohibition does not apply to council-operated licensed premises:

- a) when the premises are being used for the supply of alcohol, or
- b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

### **FAILURE TO COMPLY WITH ORDER (ALCOHOL PROHIBITION)**

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 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 & Nuisance Behaviour**

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 Horsham Town as shown in the map found at Appendix B.

A Police Officer, Police Community Support Officer or 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**

The use of any mechanically propelled vehicle in a manner that has, or is likely to cause harassment, alarm or annoyance in any place to which the public has access within Horsham District is hereby prohibited. This includes the following behaviour:

- 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 vehicle at excessive volume as to cause annoyance;
- g) Gathering in groups of two or more vehicles as to cause harassment, alarm or annoyance;
- h) Causing an obstruction on the highway, whether moving or stationary, including driving in convoy; and
- i) Using threatening or intimidating behaviour towards another person.

## **4. Horse Drawn Vehicles**

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 roads, including both the A24 and A264 roads within Horsham District is hereby prohibited.

## **5. Dog Fouling**

If a dog defecates at any time on any land open to the air to which the public has access within the Horsham District the owner, or person in charge of, said dog shall remove the faeces from the land.

## Exceptions (Dog Fouling)

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**

The owner or person in charge of a dog must, upon the request of a constable, police community support officer or authorised officer, keep the dog under control on a lead as long as is reasonable to prevent nuisance to other people, animals or birds.

### **Geographical Extent of this Order**

With the exception of the activity prohibited in Section 2, the land in relation to which this Order applies is any place to which the public has access within the Horsham District as is delineated and shown on the map at Appendix 1 forming part of the Order.

With regard to the activity prohibited in Section 2 (Unauthorised Access & Nuisance Behaviour), the land to which this prohibition applies is any place to which the public has access within Horsham Town Centre as is delineated and shown on the map at Appendix 2 forming part of this Order.

### **Offence of Failing to Comply with Order**

It is an offence for a person, without reasonable excuse to engage in any activity prohibited by this Order. Any person found guilty is liable, upon 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 Anti-Social Behaviour, Crime and Policing Act 2014, 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.

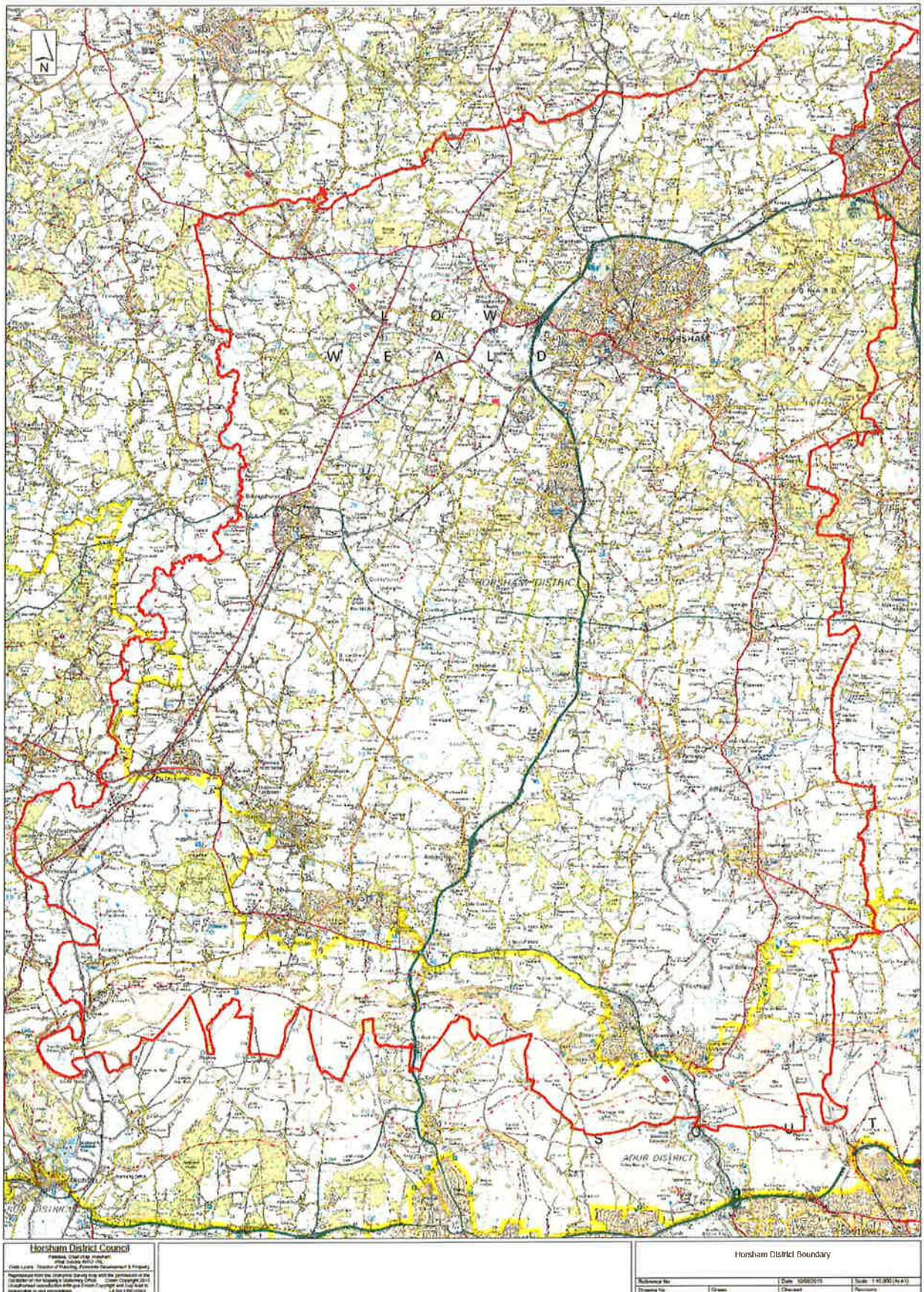
Any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or than any requirements of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

An interested person is defined by the 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.



## Appendix A - Map showing Horsham District Boundary

This map shows the land in relation to which this Order applies in any place to which the public has access within the Horsham District as is delineated and shown on the map.





**Appendix B - Map showing Horsham Town Centre Boundary**



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 31<sup>st</sup>  
day of March 2018

THE COMMON SEAL OF  
HORSHAM DISTRICT COUNCIL  
Was hereunto affixed in the presence  
of:-

*J. T. Batchelor.*  
*Authorised Officer*



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