

WELWYN HATFIELD BOROUGH COUNCIL

ANTISOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

Welwyn Hatfield Borough Council (the Council) in exercise its power under Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014 (“the Act”), and being satisfied on reasonable grounds that the conditions set out in Section 59 of the Act have been met, make the following order:

The following Order applies to the public areas defined by the delineated map annexed to this Order (“the restricted area”).

The Order:

1. Persons within this area will not:
 - a) Consume alcohol in a public place
 - b) Be in possession of an open vessel(s) of alcohol within a public place
 - c) Seek or accept monies from any member of the public in any public place, street, highway, or passage (unless a registered charity)
 - d) Loiter at or within 10 metres of a cash point (including banks, supermarkets and car parks) unless waiting to legitimately to use the machine for the purpose it is designed for
 - e) Sit on the ground in a public place, street or highway or passage in a manner that may be perceived that you are inviting people to give you money
 - f) Urinate or defecate in a public place
 - g) Sleep in any public place which is or includes:
 - Open to the air
 - Within a vehicle
 - Within a car park
 - A non-fixed structure including a caravan or tent without the permission of the owner or occupier of the land
2. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
3. The council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or antisocial behaviour in a public place.

Duration:

4. This order shall come into force on the 1st April 2024 and remain in place for a period of three years, unless extended by further orders under the Council's statutory powers.

Prohibition on the consumption of alcohol

5. Person(s) within the restricted area shall not consume alcohol, or anything which the authorised person reasonably believes to be alcohol, if requested to stop by an authorised person.
6. Person(s) who breach this prohibition shall immediately surrender, if requested, alcohol in his/her possession, or anything which the authorised person reasonably believes to be alcohol, in accordance with the requirements under section 63(2) of the Act, to the authorised person and the authorised person is thereafter authorised to dispose of any item under Section 63(5) of the Act.

Premises to which the consumption of alcohol prohibition does not apply

7. In accordance with section 62 of the Act, the prohibition on consumption of alcohol does not apply in public places to which this Order applies where the premises, club or event is licensed under the Licensing Act 2023, or where the consumption of alcohol is authorised by virtue of the Highways Act 1980 or the Business and Planning Act 2020 (pavement tables and chairs)

Authorised Persons:

8. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer.

Fixed Penalty Notices and offences:

9. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
10. In accordance with Section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice of up to £100.
11. In accordance with Section 67 of the Act, a person found to be in breach of this Order, other than by consuming alcohol or refusing to surrender alcohol to an authorised person, is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice of up to £100.

Challenge to the validity of the Order:

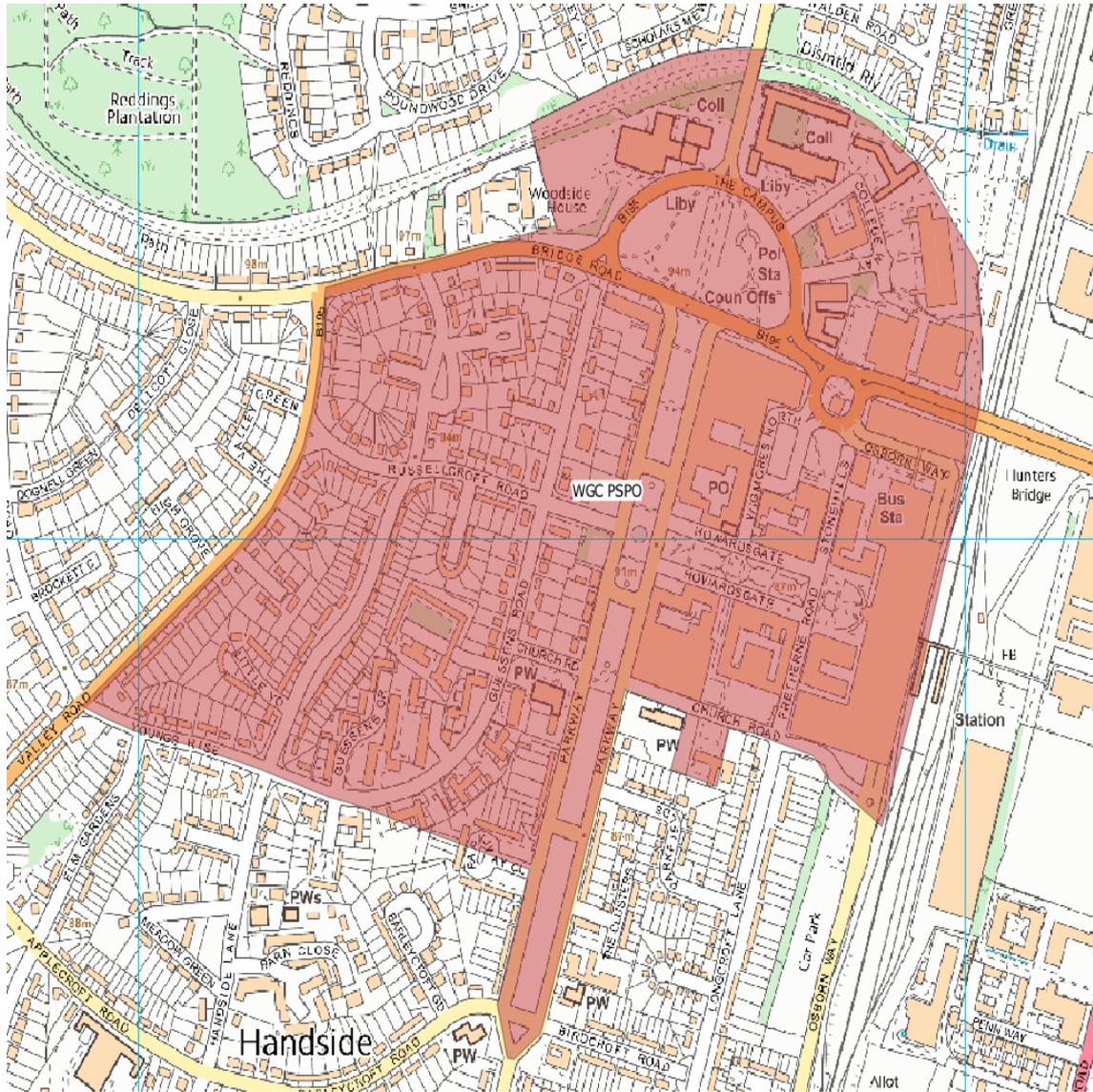
12. In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or at a requirement under the Act has not ben

Appendix A – Public Spaces Protection Order for Welwyn Garden City

complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Appendix:

A map of the restricted area shown in red.



Given under the Common Seal of Welwyn Hatfield Borough Council

..... day of..... 2024