

## LONDON BOROUGH OF WANDSWORTH

### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

#### LONDON BOROUGH OF WANDSWORTH (CONSUMPTION OF ALCOHOL AND PSYCHOACTIVE SUBSTANCES AND DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2023

#### RECITALS

- A. The London Borough of Wandsworth (“the Council”) is satisfied that the requirements of Chapter 2 of Part 4, and specifically Sections 59 and 72, of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order.
- B. The Council is satisfied that the activities specified by this Order (“the prohibited activities”) have been and will continue to be carried on in public spaces in the Council’s area which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such anti-social behaviour resulting from the public consumption of psychoactive substances and alcohol in public places (other than premises excluded from this Order) and a lack of dog control.
- C. The Council, in making this Order, is satisfied on reasonable grounds that the prohibited activities have been carried out in the restricted area, and have had a detrimental effect on the quality of life of those in the locality and it is likely that those activities will continue to be carried out in the restricted area and will have that effect.
- D. The Council is further satisfied that the effect, or likely effect, of the activities-
- a. is, or is likely to be of a persistent or continuing nature;
  - b. is, or is likely to be such as to make the activities unreasonable; and
  - c. justifies the restrictions imposed by this Order.
- E. The Council is satisfied that the prohibitions and requirements imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

- F. The Council has had regard to the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”) in so far as they may be affected by these Orders. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the Convention and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.
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The Council of the London Borough of Wandsworth (in this Order called “the Council”) hereby makes the following Order pursuant to and in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”):

## **Part 1 - General**

### **Citation**

1. This Order may be cited as the London Borough of Wandsworth (Consumption of Alcohol and Psychoactive Substances and Dog Control) Public Spaces Protection Order 2023.

### **Commencement and Duration**

2. This Order shall come into force on xxx October 2023 and will remain in force for the period of 2 years thereafter, unless extended, or discharged before that date.

### **Interpretation**

3. In this Order –

“the Act” means Anti-social Behaviour, Crime and Policing Act 2014;

“alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any state) but does not include alcohol which is of a strength not exceeding 0.5% at the time of sale or supply;

“Authorised Person” means a Constable, Police Community Support Officer, Council Officer or other person authorised for the purposes of this Order by the Council;

“the Council” means the London Borough of Wandsworth;

“public place” 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 area identified in Article 4, subject to Articles 10 to 13.

#### **Public Space effected by this Order**

4. This Order applies in any public place within the administrative area of the Council (the Restricted Area), subject to the provisions of Articles 10 to 13 limiting the application of those Articles to specified parts of the Restricted Area.

#### **Conditions on imposition of Requirements**

5. (1) Where an authorised person imposes a requirement under this Order on a person (P) he or she must tell (P) that failing without reasonable excuse to comply with the requirement is an offence.  
  
(2) A requirement imposed under this Order by an authorised person who is not a constable or police community support officer, is not valid if the person—
  - (a) is asked by P to show evidence of his or her authorisation, and
  - (b) fails to do so.

## **Part 2 – Anti-social Behaviour**

### **Prohibition on consumption of alcohol**

6. (1) Subject to paragraph (2) no person shall consume alcohol within the Restricted Area so as to cause, or be likely to cause nuisance or annoyance to any other person.
- (2) The prohibition in paragraph (1) does not apply to the premises etc. within the Restricted Area set out in Schedule 1 to this Order.
- (3) Paragraph (4) applies where an authorised person reasonably believes that a person (P) —
  - (a) is or has been consuming alcohol in breach of paragraph (1), or
  - (b) intends to consume alcohol in circumstances in which doing so would be a breach of that Article.
- (4) An authorised person may require P—
  - (a) not to consume, in breach of paragraph (1), alcohol or anything which the authorised person reasonably believes to be alcohol;
  - (b) to surrender anything in P's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.
- (5) An authorised person may dispose of anything surrendered under paragraph (4)(b) in whatever way he or she thinks appropriate.

### **Public consumption of psychoactive substances**

7. (1) No person shall consume, or be in possession of, a psychoactive substance within the Restricted Area.
- (2) For the purposes of Article—

- (a) "psychoactive substance" means any substance, including nitrous oxide, which—
- (i) is capable of producing a psychoactive effect in a person who consumes it, and
  - (ii) is not an exempted substance.
- (b) a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.
- (c) a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.
- (d) "exempted substance" means a substance listed in Schedule 1 to the Psychoactive Substances Act 2016, subject to any amendments by Regulations made by the Secretary of State.

(3) Paragraph (4) applies where an authorised person reasonably believes that a person (P) —

- (a) is or has been consuming or is in possession of a psychoactive substance, in breach of the prohibition in paragraph (1), or
- (b) intends to consume a psychoactive substance in circumstances in which doing so would be a breach of that prohibition.

(4) Where this paragraph applies an authorised person may require P—

- (a) not to consume, in breach of the prohibition in paragraph (1), a psychoactive substance or anything which the authorised person reasonably believes to be a psychoactive substance;
- (b) to surrender anything in P's possession which is, or which the authorised person reasonably believes to be, a psychoactive substance or a container for a psychoactive substance.

- (5) An authorised person may dispose of anything surrendered under paragraph (4)(b) in whatever way he or she thinks appropriate.

### **Part 3 – Dog Control**

#### **Interpretation of Part 3**

8. In this Part –

(1) a person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(2) "prescribed charity" means —

- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680).
- (iv) Hearing Dogs for Deaf People (registered charity number 293358)
- (v) Guide Dogs for the Blind (registered charity number 209617)
- (vi) Assistance Dogs (UK) (registered charity number 1119538)

#### **Dog Fouling**

9. (1) If a dog defecates at any time in the Restricted Area the person who is in charge of the dog at that time (P) is required to remove the faeces from the Restricted Area forthwith, unless (P) has a reasonable excuse for failing to do so.

(2) Nothing in this Article applies to a person who—

- (a) is registered as a sight impaired and severely sight impaired person in a register maintained under section 77 of the Care Act 2014; or
- (b) has a disability which affects his or her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday

objects, in respect of a dog trained by a prescribed charity and upon which she or he relies for assistance.

- (c) is training an assistance dog in an official capacity; or
- (d) is a constable, or police community support officer or other person permitted by the Council using a dog for official purposes.

(3) For the purposes of this Article—

- (a) placing the faeces in a receptacle in the Restricted Area, which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the Restricted Area;
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

### **Dogs on Leads**

10. (1) This Article applies to the parts of the Restricted Area specified in Schedule 2 to this Order.

(2) All dogs within the Restricted Area to which this Article applies shall be kept on a lead at all times by the person in charge of the dog (P), unless P has a reasonable excuse for failing to do so.

### **Requirement to put and keep a dog on a Lead**

11. (1) This Article applies to the parts of the Restricted Area specified in Schedule 3 to this Order.

(2) Paragraph (3) applies where an authorised person reasonably believes that a person in charge of a dog (P) in the Restricted Area to which this Article applies, has not kept the dog on a lead.

(3) Where this paragraph applies an authorised person may require P to put and keep the dog on a lead, unless P has a reasonable excuse for failing to do so.

(4) For the purposes of this Article, an authorised person may only impose a requirement under paragraph (3) if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

### **Exclusion of dogs from certain areas**

12. (1) This Article applies to the parts of the Restricted Area specified in Schedule 4 to this Order known as dog exclusion areas.

(2) A person in charge of a dog (P) shall not, at any time, take the dog onto a dog exclusion area, or permit the dog to enter or remain on such area, unless P has a reasonable excuse for doing so.

(3) Nothing in this Article applies to a person who—

- (a) is registered as a sight impaired and severely sight impaired person in a register maintained under section 77 of the Care Act 2014; or
- (b) is deaf, in respect of a dog trained by a prescribed charity and upon which he or she relies for assistance; or
- (c) has a disability which affects his or her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he or she relies for assistance; or
- (d) is training an assistance dog in an official capacity; or
- (e) is a constable, or police community support officer or other person permitted by the Council using a dog for official purposes.



### **Multiple dog walking and specified maximum number of Dogs**

13. (1) This Article applies to the parts of the Restricted Area specified in Schedule 5 to this Order.

(2) The maximum number of dogs which a person may take onto the Restricted Area to which this article applies is four.

(3) No person shall, at any time, take onto the Restricted Area more than four dogs unless—

(a) that person has a licence issued by the Council permitting him or her to take more than four dogs onto the Restricted Area; or

(b) he or she has a reasonable excuse for doing so.

(4) A person who is permitted to take more than four dogs onto the Restricted Area under a licence issued by the Council, shall not at any time, take more than the permitted number of dogs onto the Restricted Area unless he or she has a reasonable excuse for doing so.

### **Requirement to provide Name and Address**

14. (1) If an authorised person reasonably believes that a person (P) has breached any of prohibitions or requirements imposed by Articles 6 to 13 he or she may require P to give his or her name and address to the authorised person.

(2) An authorised person who imposes a requirement under paragraph (1) must tell P that—

(a) failing to give his or her name and address when required to do so under paragraph (1), or

(b) giving a false or inaccurate name or address in response to a requirement under that paragraph is an offence.

## **Part 4 – Penalties for failure to comply with the Order**

### **Offence of failing to comply with the Order**

15. Subject to Article 17, by Section 67 of the Act, it is a criminal offence for a person without reasonable excuse—
- (a) to do anything that the person is prohibited from doing by this Order, or
  - (b) to fail to comply with a requirement to which the person is subject under this Order.
16. A person guilty of an offence under Section 67 of the Act is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.
17. By Section 67(4) of the Act it is not an offence to consume alcohol in breach of Article 6(1) but, by Section 63(6) of the Act a person who fails without reasonable excuse to comply with a requirement imposed on him or her under Article 6(4) of this Order commits an offence and is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

### **Fixed Penalty Notices**

18. An authorised person may issue a fixed penalty notice (FPN) to anyone he or she has reason to believe has committed an offence under Section 63 or 67 of the Act. A person issued with a FPN must pay the fixed penalty of £100 within 14 days to discharge any liability to conviction for the offence. The penalty is automatically reduced to £75 if paid within 10 days.

**Premises etc. to which Article 6(1) does not apply**

- (1) The prohibition in Article 6(1) to this Order does not apply to—
- (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 paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 (Permitted temporary activities) 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).
- (2) prohibition in Article 6(1) to this Order does not apply to licensed premises operated by the Council—
- (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.
- (3) In this paragraph—
- “club premises certificate” has the meaning given by Section 60 of the Licensing Act 2003;
  - “premises licence” has the meaning given by Section 11 of that Act;
  - “supply of alcohol” has the meaning given by Section 14 of that Act.

(4) For the purposes of this Article 6, licensed premises are operated by the Council if they are authorised by a premises licence to be used for the supply of alcohol and—

- (a) the licence is held by the Council, or
- (b) the licence is held by another person but the premises are occupied by the Council or are managed by or on behalf of the Council.

## **SCHEDULE 2**

Article 10

The Restricted Area for the purposes of Article 10 (Dogs on leads) comprises:-

- (a) all footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and all cemeteries and the following parks and open spaces in the administrative area of the Council.

Bramford Gardens, SW18  
Garratt Lane Old Burial Ground, SW18  
Huguenot Burial Ground, SW18  
Lavender Gardens, SW11  
Petergate Open Space, SW11  
Putney Old Burial Ground, SW15  
Wandsworth Town Hall, SW18

- (b) the land in the following parks and open spaces edged blue on the maps to this Order:

Battersea Park, SW11  
King George's Park, SW18  
Leader's Garden's, SW15  
The Pleasance & Putney Park Lane, SW15  
Tooting Commons, SW17  
Wandsworth Common, SW18  
Wandsworth Common, SW11  
Wandsworth Park, SW15

### **SCHEDULE 3**

### Article 11

The Restricted Area for the purposes of Article 11 (Requirement to put and keep a dog on a lead) comprises the following public places: -

Battersea Park, SW11  
Christchurch Gardens, SW11  
Coronation Gardens, SW18  
Falcon Park, SW11  
Fountain Road Recreation Ground, SW17  
Fred Wells Gardens, SW11  
Furzedown Recreation Ground, SW17  
Garratt Green, SW17  
Garratt Park, SW17  
Godley Gardens, SW18  
Harroway Gardens, SW11  
Heathbrook Park, SW8  
King George's Park, SW18  
Latchmere Recreation Ground, SW11  
Putney Lower Common Cemetery, SW15  
Queenstown Green, SW8  
Shillington Park, SW11  
The Pleasance & Putney Park Lane, SW15  
Tooting Commons, SW17  
Tooting Gardens, SW17  
Wandsworth Common, SW18  
Wandsworth Common, SW11  
Wandsworth Park, SW15  
York Gardens, SW11

### **SCHEDULE 4**

### Article 12

The Restricted Area for the purposes of Article 12 (Exclusion of dogs from certain areas) comprises:-

(a) the following public places: -

Balham Leisure Centre, SW12

Battersea Sports Centre, SW11  
Cunliffe Street Open Space, SW16  
Roehampton Playing Fields, SW15  
Fishponds Playing Fields, SW17  
Furzedown Recreation Centre and Ground, SW17  
John Burns Playground, SW11  
Latchmere Leisure Centre, SW11  
Montefiore Gardens, SW8  
Putney Leisure Centre, SW15  
Roehampton Sport and Fitness Centre, SW15  
Swaby Gardens, SW17  
The Spit, SW18  
Tooting Leisure Centre, SW17  
Upper Tooting Park Play Area, SW17  
Wandle Recreation Centre, SW18  
Waterman's Green, SW15

- (b) the land in the following parks and open spaces edged red on the maps to this Order:

Battersea Park, SW11  
Bramford Gardens, SW18  
Coronation Gardens, SW18  
Falcon Park, SW11  
Fountain Road Recreation Ground, SW17  
Fred Wells Gardens, SW11  
Garratt Green, SW17  
Garratt Park, SW17  
Harroway Gardens, SW11  
Heathbrook Park, SW8  
King George's Park, SW18  
Latchmere Recreation Ground, SW11  
Lavender Gardens, SW11  
Leaders Gardens, SW15  
Shillington Park, SW11  
Tooting Commons, SW17  
Tooting Gardens, SW17  
Wandsworth Common, SW18  
Wandsworth Common, SW11

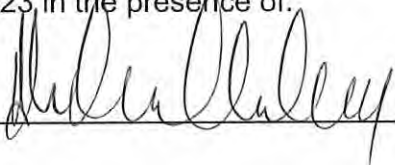
Wandsworth Park, SW15  
York Gardens, SW11

**SCHEDULE 5**

Article 13

The Restricted Area for the purposes of Article 13 (Multiple dog walking and specified maximum number of dogs) comprises all footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and every cemetery, park, garden and open space in the administrative area of, and which is managed by, the Council, other than land held by the Council by virtue of section 12 of the Housing Act 1985.

THE COMMON SEAL OF THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WANDSWORTH was affixed this day of October 2023 in the presence of:

Signature 

Name ABDUS CHOWDHURY

Authorised Signatory

Seal Register No. 114994



FOR CHIEF EXECUTIVE

**Notes for Information**

**Challenging the validity of the Order**

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 the restricted area, or who regularly works in or visits that area. This means that only those who are directly affected by the restrictions have the power to challenge it.

Interested persons can challenge the validity of this Order on two grounds: -

- (a) that the Council did not have power to make the order, or to include particular prohibitions or requirements; or
- (b) that one of the requirements of the Act not been complied with.

Where such 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 pending the final determination of the proceedings. The High Court may uphold the order, quash it, or vary it and may award legal costs in an unsuccessful challenge.



## Appendix 2

### Summary of the public spaces in the London Borough of Wandsworth which are subject to dog controls

**Key:**

**F:** - Public spaces where the dog faeces must be removed by the person in charge of the dog.

**L:** - Public spaces where dogs must be kept on a lead (Also see designated areas on Maps to the Order).

**D:** - Public spaces where an authorised person may require a person charge of a dog to put it on a lead.

**E:** - Dog Exclusion Areas in public spaces where dogs are not permitted to enter or remain. (Also see designated areas on Maps to the Order).

**M:** - Public spaces where no more than four dogs can be walked unless the person in charge has a licence to walk a greater number of dogs.

No.	Public Space	F	L	D	E	M
1.	Balham Leisure Centre, SW12 )	-	-	-	X	-
2.	Battersea Park, SW11	X	X	X	X	X
3.	Battersea Rise Cemetery, SW11	X	X	-	-	X
4.	Battersea Sports Centre, SW11	-	-	-	X	-
5.	Bramford Gardens, SW18	X	X	-	X	X
6.	Christchurch Gardens, SW11	X	-	X	-	X
7.	Coronation Gardens, SW18	X	-	X	X	X
8.	Cunliffe Street Open Space, SW16	-	-	-	X	-
9.	Falcon Park, SW11	X	-	X	X	X
10.	Fishponds Playing Fields, SW17	-	-	-	X	-
11.	Fountain Road Recreation Ground, SW17	X	-	X	X	X
12.	Fred Wells Gardens, SW11	X	-	X	X	X
13.	Furzedown Recreation Centre and Ground, SW17	-	-	-	X	-
14.	Garratt Green, SW17	X	-	X	X	X
15.	Garratt Lane Old Burial Ground, SW18	X	X	-	-	X
16.	Garratt Park, SW17	X	-	X	X	X
17.	Godley Gardens, SW18	X	-	X	-	X
18.	Harroway Road Open Space, SW11	X	-	X	X	X
19.	Heathbrook Park, SW8	X	-	X	X	X
20.	Huguenot Burial Ground, SW18	X	X	-	-	X
21.	John Burns Playground, SW11	-	-	-	X	-
22.	King George's Park, SW18	X	X	X	X	X
23.	Latchmere Leisure Centre, SW11	-	-	-	X	-
24.	Latchmere Recreation Ground, SW11	X	-	X	X	X
25.	Lavender Gardens, SW11	X	X	-	X	X
26.	Leaders Gardens, SW15	X	X	X	X	X
27.	Montefiore Gardens, SW8	-	-	-	X	-
28.	Petergate Open Space, SW11	X	X	-	-	X
29.	Putney Leisure Centre, SW15	-	-	-	X	-

30.	Putney Lower Common Cemetery, SW15	X	-	X	-	X
31.	Putney Old Burial Ground, SW15	X	X	-	-	X
32.	Putney Vale Cemetery, SW15	X	X	-	-	X
33.	Queenstown Green, SW8	X	-	X	-	X
34.	Roehampton Playing Fields, SW15	-	-	-	X	-
35.	Roehampton Sport and Fitness Centre, SW15	-	-	-	X	-
36.	Shillington Park, SW11	X	-	X	X	X
37.	Swaby Gardens, SW18	-	-	-	X	-
38.	The Pleasance & Putney Park Lane, SW15	X	X	X	-	X
39.	The Spit, SW18	-	-	-	X	-
40.	Tooting Commons, SW17	X	X	X	X	X
41.	Tooting Gardens, SW17	X	-	X	X	X
42.	Tooting Leisure Centre, SW17	-	-	-	X	-
43.	Upper Tooting Park, SW17	-	-	-	X	-
44.	Wandle Recreation Centre, SW18	-	-	-	X	-
45.	Wandsworth Cemetery, SW18	X	X	-	-	X
46.	Wandsworth Common, SW11 & SW18	X	X	X	X	X
47.	Wandsworth Park, SW15	X	X	X	X	X
48.	Wandsworth Town Hall, SW18	X	X	-	-	X
49.	Waterman's Green, SW15	-	-	-	X	-
50.	York Gardens, SW11	X	-	X	X	X

**ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014**

**Section 59 – Power to make orders**

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—
  - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
  - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
  - (a) is, or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—
  - (a) prohibits specified things being done in the restricted area,
  - (b) requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
  - (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
  - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
  - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

- (7) A public spaces protection order must—
  - (a) identify the activities referred to in subsection (2);
  - (b) explain the effect of section 63 (where it applies) and section 67;
  - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

### **Section 66 - Challenging the validity of orders**

- (1) An interested person may apply to the High Court to question the validity of—
  - (a) a public spaces protection order, or
  - (b) a variation of a public spaces protection order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
- (2) The grounds on which an application under this section may be made are—
  - (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
  - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.
- (5) If on an application under this section the High Court is satisfied that—
  - (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
  - (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
  - (a) generally, or
  - (b) so far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
  - (a) under this section, or

(b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

### **Section 63 – Consumption of alcohol in breach of prohibition in order**

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—
  - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
  - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).
- (2) The constable or authorised person may require P—
  - (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
  - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) requirement imposed by an authorised person under subsection (2) is not valid if the person—
  - (a) is asked by P to show evidence of his or her authorisation, and
  - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Section 67 – Offence of Failing Comply with order**

- (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.

- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).