

ANTI SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER No. 1 of 2017

Vale of White Horse District Council (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

The Order applies to the public place being that part of Abingdon shown edged black on the map contained in the schedule of this Order (“the restricted area”):

1. No person shall refuse to stop drinking alcohol or to surrender any container (sealed or unsealed) which is believed to contain alcohol, when required to do so by an authorised person.

The provisions of Section 63 of the Act – (Consumption of alcohol in breach of prohibition in order) applies to this part (Article 1) of this order, as follows.

(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) A 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.

2. No person shall personally carry out or assist or encourage any other person to carry out any of the behaviours specified in (a) to (e) below at any time in the restricted area:

- a) Revving of engine(s) (as to cause a nuisance to persons in the locality of the restricted area);
- b) Repeated sudden and rapid acceleration (as to cause a nuisance to persons in the locality of the restricted area);
- c) Performing stunts (as to cause a nuisance to persons in the locality of the restricted area);
- d) Sounding horns (as to cause a nuisance to persons in the locality of the restricted area);
- e) Playing music in a motor vehicle (as to cause a nuisance to persons in the locality of the restricted area)

The provisions of Section 67 of the Act (Offence of failing to comply with order) applies to this part (Article 2) of this order, as follows.

(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 the 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.

This Order shall come into force on 2017 and remain in place for a period of three years.

SCHEDULE

(Map showing the area covered by the Vale of White Horse District Council Public Spaces Protection Order No. 1 2017 outlined)

Vale of White Horse District Council

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(Abingdon)**

