

DRAFT PSPO

PUBLIC SPACE PROTECTION ORDER (No.1 2024)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, AS AMENDED

1. This Public Space Protection Order (Order) is made under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended (ASBCPA 2014).
2. The order takes effect on 1st April 2024 and has a duration of 3 years.
3. It applies to the public place (the entirety of Earl's Court ward) as marked on the attached map. This will be known as the "Restricted Area".
4. The Royal Borough of Kensington and Chelsea ("the Council") is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.
5. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights as defined in Section 21(1) of the Human Rights Act 1998, and in particular, those rights set out in Article 10 (right of freedom of expression), and Article 11 (right of freedom of assembly and association), and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

PSPO Restrictions:

1. Use of illegal drugs or psychoactive substances
 - a. Any person(s) preparing to use or using illegal drugs or psychoactive substances. This person must:
 - i. cease use immediately
 - ii. surrender any of the drug or psychoactive substance including any paraphernalia used for the use of such drug or psychoactive substance.
 - iii. Failure of which is a further breach.

- b. Exemptions: A person in possession of a psychoactive substance who may have a lawful reason for possession, will not be subject to this prohibition.
 - c. Possession of drug using paraphernalia (syringes, pipes, grinders, scales etc)
- 2. Littering (drug paraphernalia, bottles, cans, packets, food, paper, chewing gum, cigarette butts etc.)
 - a. Any person(s) who abandon(s) (leaves behind) drug paraphernalia, bottles, cans, packets, food, paper, chewing gum, cigarette butts etc.) other than in an appropriate receptacle (bin).
- 3. Street urination or defecation
 - a. Any person(s) urinating or defecating in a place other than a serviced public convenience.
- 4. Consumption of alcohol in a public place so as to cause alarm, distress or harassment
 - a. Any person(s) who intend(s) to, is or has been consuming alcohol, without reasonable excuse. This person must:
 - i. cease the consumption of alcohol immediately
 - ii. surrender any alcohol that the authorised officer reasonably believes to be, alcohol or a container for alcohol (this includes any sealed containers).
 - b. A reasonable excuse includes:
 - i. an area adjoining a premises which is licensed to supply and permit the consumption of alcohol
 - ii. another licensed area where alcohol consumption is permitted.
- 5. Loitering and refusing to leave an area when directed to do so
 - a. Any person who is loitering in a group of 2 or more and causing, or are reasonably perceived to be causing (or likely to cause), intimidation, harassment, alarm or distress to another person.
 - b. No person within a group of two or more shall refuse to leave an area when required to do so by an authorised officer to prevent

anti-social behaviour, public nuisance, or disorder. The named person then cannot return to the restricted area for 24 hours without good reason to do so.

6. Aggressive begging

- a. Any person who aggressively begs for food, money or other items. This includes:
 - i. begging with an intent to intimidate which may include repeated requests
 - ii. approaching or following a person whilst making a request
 - iii. continuing to make requests when a negative response has been given
 - iv. begging with use of false or misleading information
 - v. attempting to provide or deliver unrequested or unsolicited services or products with a demand or pressure for money.

7. Bicycles and scooters

- a. Any person is prohibited from riding, cycling, or using an bicycle and scooters, on the pavements within the protected area shown on the attached map. Unless:
 - i. that person has a reasonable excuse for failing to do so; or
 - ii. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.
 - iii. Any person may push and walk alongside their bike, or scooter through the defined area.

8. By virtue of s.67 of the ASBCPA 2014, it is an 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 by this Order.

9. 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 (currently £1000).

10. A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the Council did not have power to include in this Order.

11. By virtue of Section 68 ASBCPA 2014, as amended, a constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under Sections 63 or 67 in relation to a Public Space protection Order. The Fixed penalty notice offers the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment within a specified period to the local authority of a fixed penalty. The fixed penalty may be for no more than £100.00 and may give a lower amount to be paid within a period of not less than 14 days.

12. If an interested person wishes to challenge the validity of this Order he or she may apply to the High Court within six weeks beginning with the date on which this Order is made. The grounds on which a challenge can be made are that the Council did not have the power to make this Order, or that a requirement imposed by Chapter 4 of the ASBCPA 2014, as amended was not complied with, see further section 66 of the ASBCPA 2014, as amended.

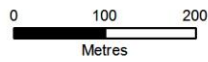
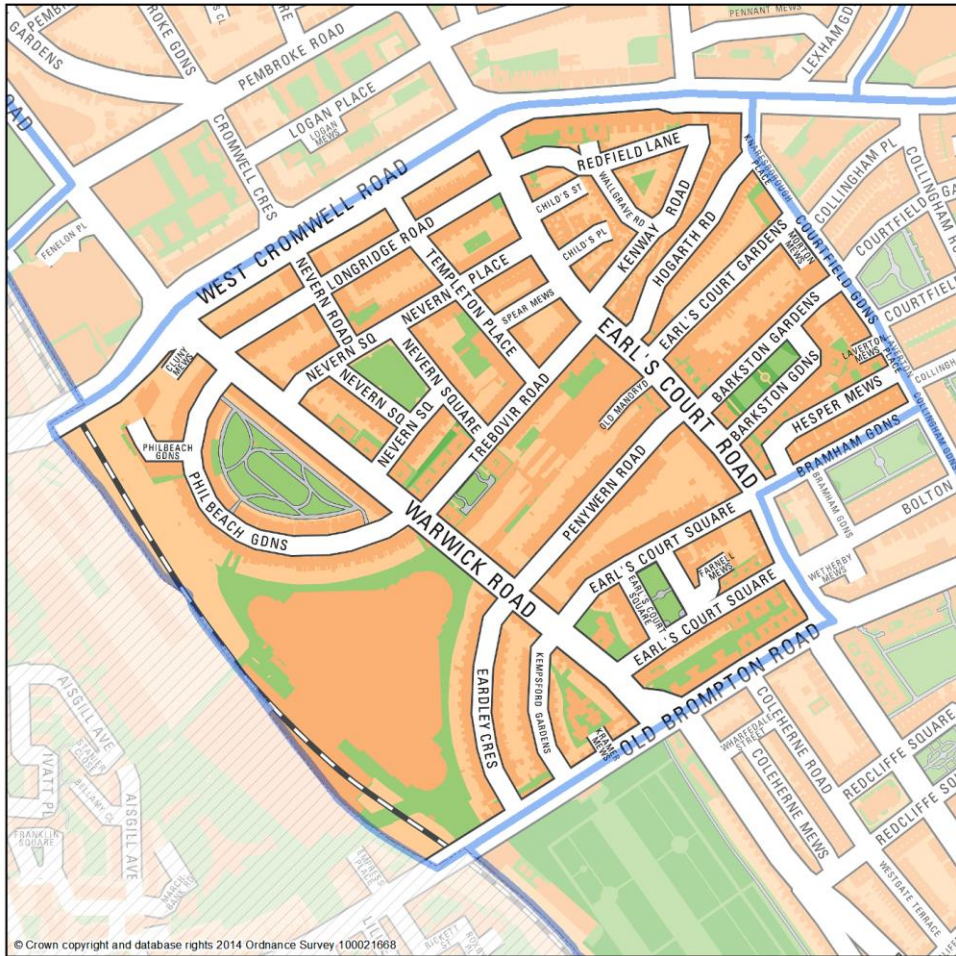
13. This Order may be cited as the Public Spaces Protection Order for the Royal Borough of Kensington and Chelsea No.1 of 2024.

Dated: 1 April 2024

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Signed: Stuart Priestley, Chief Community Safety Officer, Royal Borough of Kensington and Chelsea

Appendix One: Map of Earl's Court Ward



Map produced by the
Property and Land Applications Team (PLAT)
plat@rbkc.gov.uk | 22 May 2014 | Ref: 3824