CONSULTATION DRAFT

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (AS AMENDED) SECTION 59

PUBLIC SPACES PROTECTION ORDER

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA CONSOLIDATED PUBLIC SPACES PROTECTION ORDER No. 1 of 2027

This document is issued for consultation only. It has not been made or sealed.

PRELIMINARY

1. This Order is proposed to be made by the Royal Borough of Kensington and Chelsea (the 'Council') under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act').

2. The Council is satisfied, or proposes following consultation to be satisfied, on reasonable grounds that the activities identified below have been carried out in public places within the Council's area and have had, or are likely to have, a detrimental effect on the quality of life of those in the locality, and that the effect, or likely effect, of the activities is or is likely to be persistent or continuing, is or is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

3. The Council is satisfied, or proposes following consultation to be satisfied, that the prohibitions and requirements imposed by this Order are reasonable to prevent the detrimental effect of the activities from continuing, occurring or recurring, or to reduce that effect or the risk of its continuance, occurrence or recurrence.

4. The Council has had, and in making any final Order will have, regard to the rights and freedoms set out in the European Convention on Human Rights, including particular regard to Articles 10 and 11, and considers that the restrictions are lawful, necessary and proportionate.

THE ACTIVITIES

5. The Activities prohibited or regulated by this Order are:

<u>Alcohol-related anti-social behaviour</u>

i. Behaving in a manner which causes harassment, alarm or distress upon the consumption, or suspected consumption of, alcohol within Area A;

ii. Failing, without reasonable excuse, to comply with a requirement made by a constable or an Authorised Person under section 63 of the 2014 Act not to consume alcohol, or anything which the constable or Authorised Person reasonably believes to be alcohol, in breach of the prohibition imposed by paragraph 5(i) of this Order.

iii. Failing to surrender a container of alcohol (whether open or not) when asked to do so by an authorised person;

Nuisance vehicles and car cruising

iv. Using, driving, riding or being in control of a motor vehicle on a publicly maintained road within Area B in a manner causing or likely to cause public nuisance, including repeated or excessive engine revving, sudden or repeated acceleration, racing, stunts, sounding horns, amplified music, convoy driving, obstruction, threatening or intimidating behaviour, or unnecessary engine running.

Busking and street entertainment nuisance

v. Within Area E, busking or undertaking street entertainment in breach of a location restriction, permitted time, duration limit, amplification control or reasonable direction displayed or specified for that area, where the conduct causes or is likely to cause nuisance, obstruction, harassment, alarm or distress.

Excessive wildlife feeding

vi. Within Area D, intentionally depositing food or animal feed on the ground or on any structure for the purpose of attracting or feeding wildlife or vermin, except where authorised by the Council or where feeding an animal owned by or under the care of that person.

Illegal drugs and psychoactive substances

vii. Within Area A or another area identified on the maps, using or preparing to use illegal drugs or psychoactive substances.

viii. Failing to comply with a direction to cease the use or preparation of illegal drugs or psychoactive substances.

ix. Failing to surrender an item reasonably believed by an Authorised Person to be an illegal drug or psychoactive substance where the Authorised Person has lawful authority to require surrender.

Pavement cycling and scooters

x. Within Area A or another area identified on the maps, riding, cycling or using a bicycle, electrically assisted pedal cycle, scooter or similar conveyance on a pavement or footway, subject to the Exceptions in this Order.

Loitering

xi. Within Area A or another area identified on the maps, loitering alone or with others where the person, persons or group is causing harassment, alarm or distress.

Aggressive begging

xii. Within Area C or another area identified on the maps, begging for food, money or other items in a manner causing harassment, alarm or distress, including repeated requests, following a person, continuing after a negative response, using false or misleading information, or providing unsolicited goods or services accompanied by a demand for payment.

Public urination or defecation

xiii. Within Area A or another area identified on the maps, urinating or defecating in a place other than a serviced public convenience.

Aggressive fundraising

xiv. Within Area F, fundraising by repeatedly or persistently approaching a person after refusal, obstructing, following, surrounding, touching or intimidating a person, or otherwise acting in a manner causing harassment, alarm or distress.

Dockless-bike parking and obstruction

xv. Within Area F, leaving a dockless bicycle, e-bike, scooter or similar device outside a designated parking place so that it obstructs or materially impedes a footway, carriageway, entrance, crossing point, tactile paving, cycle track or access required by a disabled person.

Delivery rider congregation

xvi. Within Area F, congregating with others, or placing bicycles, scooters, vehicles or equipment, so as unreasonably to obstruct access or passage, or cause harassment, alarm, distress or nuisance. This restriction concerns conduct and does not prohibit lawful work or waiting which does not cause the specified detriment.

Idling engines

xvii. Within Area F, failing, without reasonable excuse, to switch off and keep switched off the engine of a stationary motor vehicle when directed to do so by an Authorised Person.

Illegal street trading and ice-cream van sales

xviii. Within Area G, offering, exposing or selling goods, including from an ice-cream van, without any street-trading licence or other lawful authority required for the activity, where the activity causes or is likely to cause obstruction, nuisance, harassment, alarm or distress.

THE PROHIBITIONS

6. A person shall not engage in an Activity listed at paragraph 5 within the Area or Areas specified for that Activity in Schedule 1 and shown on the maps in Schedule 2.

7. The prohibitions are subject to the Exceptions stated below and to the statutory reasonable-excuse defence.

THE REQUIREMENTS

8. A person believed to have engaged in a breach of this Order is required, where the relevant statutory power applies, to give their name and address to an Authorised Person, police officer, police community support officer or other person designated by the Council.

9. A person reasonably believed to be engaging in an Activity causing harassment, alarm or distress is required to leave the relevant Restricted Area when directed by an Authorised Person and must not return for the period specified in the direction, not exceeding 24 hours.

THE EXCEPTIONS

10. Nothing in this Order applies to alcohol consumption on premises or in places to which section 62 of the 2014 Act applies.

11. Paragraphs 5(vii) to 5(ix) do not apply to a person who has a lawful reason for possessing the relevant psychoactive substance or other item.

12. Paragraph 5(x) does not apply to a person pushing or walking alongside a bicycle or scooter; using a wheelchair, mobility scooter or mobility aid; using an adapted cycle as a mobility aid; acting for the emergency services; undertaking an activity authorised in writing by the Council; or acting where reasonably necessary to avoid immediate danger.

13. Paragraph 5(xvii) does not apply where the engine is running because of traffic conditions, examination or repair, operation of necessary machinery, safeguarding health or safety, emergency-service use, or another reasonable excuse.

DEFINITIONS

14. In this Order:

'Alcohol' has the same meaning as in section 191 of the Licensing Act 2003.

'Authorised Person' means an employee or agent of the Council authorised for the relevant purpose, a police officer, a police community support officer, or another person designated by the Council.

'Council' means the Royal Borough of Kensington and Chelsea.

'Illegal drugs' means a substance or product classified or controlled under the Misuse of Drugs Act 1971.

'Order' means this proposed Consolidated Public Spaces Protection Order.

'Psychoactive substance' has the same meaning as in section 2 of the Psychoactive Substances Act 2016.

'Restricted Area' means an area specified in Schedule 1 and shown on the corresponding map in Schedule 2.

'Scooter' includes a manual scooter and an electric scooter.

'2014 Act' means the Anti-social Behaviour, Crime and Policing Act 2014, as amended.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

15. This Order is made on _____, comes into force at midnight on _____ and expires at midnight on _____.

16. Before expiry the Council may extend, vary or discharge the Order in accordance with the 2014 Act.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

ALCOHOL

17. Section 63 of the 2014 Act provides the applicable requirements and offence relating to alcohol. A person who fails without reasonable excuse to comply with a valid requirement under section 63 commits an offence.

CRIMINAL OFFENCE

18. Section 67 of the 2014 Act provides that it is an offence, without reasonable excuse, to do anything prohibited by a PSPO or to fail to comply with a requirement imposed by it, subject to the separate statutory treatment of alcohol consumption.

FIXED PENALTY

19. An authorised person may issue a fixed penalty notice under section 68 of the 2014 Act in accordance with the amount and arrangements lawfully determined by the Council.

APPEALS

20. A challenge to the validity of the Order may be made by an interested person in the High Court within six weeks of the Order being made or varied, on the grounds set out in section 66 of the 2014 Act.

EXECUTION

The Common Seal of The Mayor and Burgesses of the Royal Borough of Kensington and Chelsea was hereunto affixed on _____ in the presence of:

Authorised signatory: _____

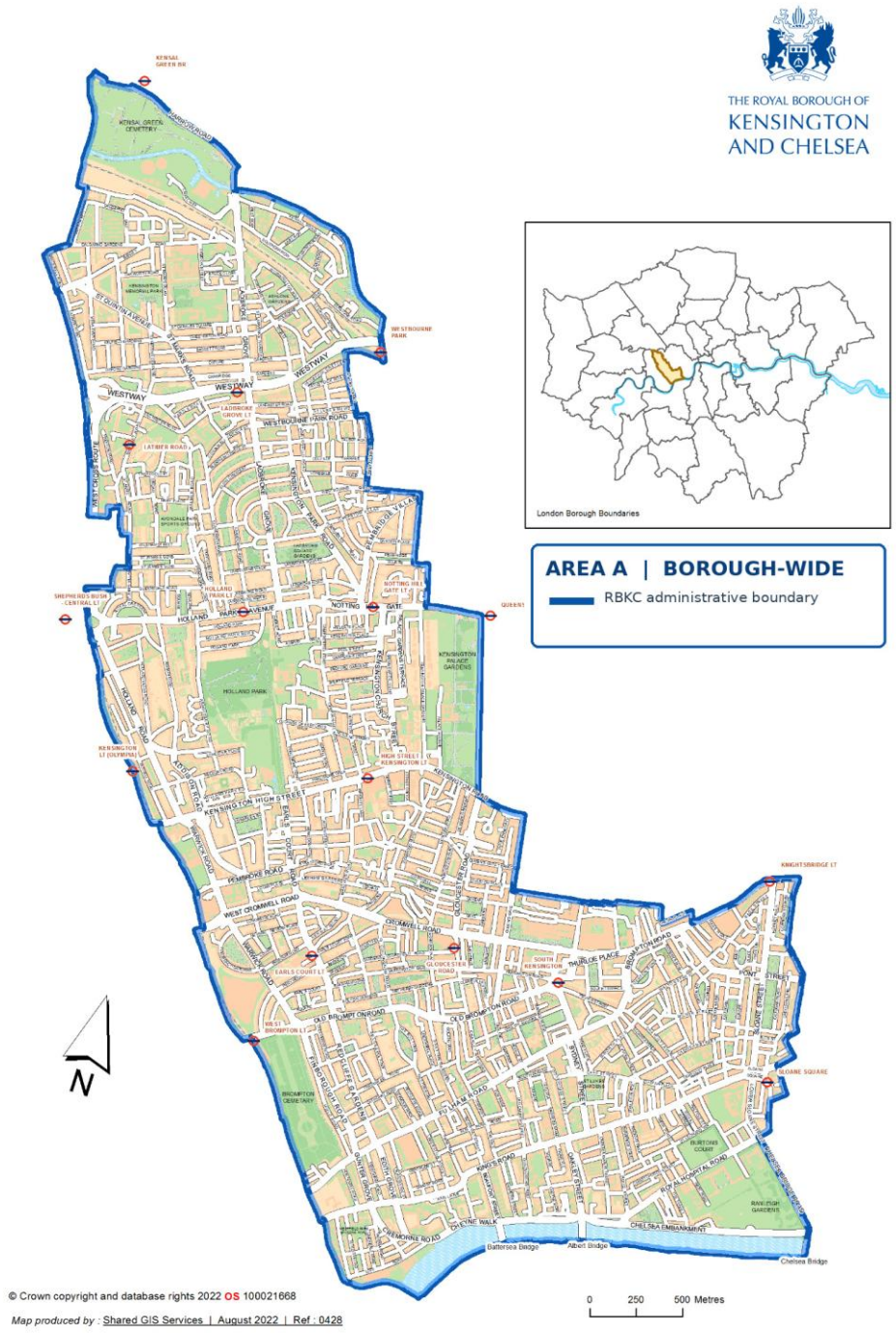
Decision reference: _____

SCHEDULE 1 - RESTRICTED AREAS

Reference	Restricted Area	Applicable Activities
Area A	The whole administrative area of the Royal Borough of Kensington and Chelsea	Alcohol-related anti-social behaviour
Area B	All publicly maintained roads within the Borough	Nuisance vehicles and car cruising
Area C	Earl's Court and any additional evidenced hotspot shown on the maps	Drugs, pavement cycling and scooters, loitering, aggressive begging, public urination and defecation
Area D	Wildlife-feeding hotspots shown on the maps	Excessive wildlife feeding
Area E	Busking and street entertainment zones shown on the maps	Busking and street entertainment nuisance
Area F	Additional station, high-footfall or other evidenced hotspots shown on the maps	Aggressive fundraising, dockless-bike obstruction, delivery rider congregation and idling engines
Area G	The geography shown on the maps and supported by the final evidence assessment	Illegal street trading and ice-cream van sales

SCHEDULE 2 - RESTRICTED AREA MAPS

MAP A - AREA A



Area A: the whole administrative area of the Royal Borough of Kensington and Chelsea.

MAP B - AREA B



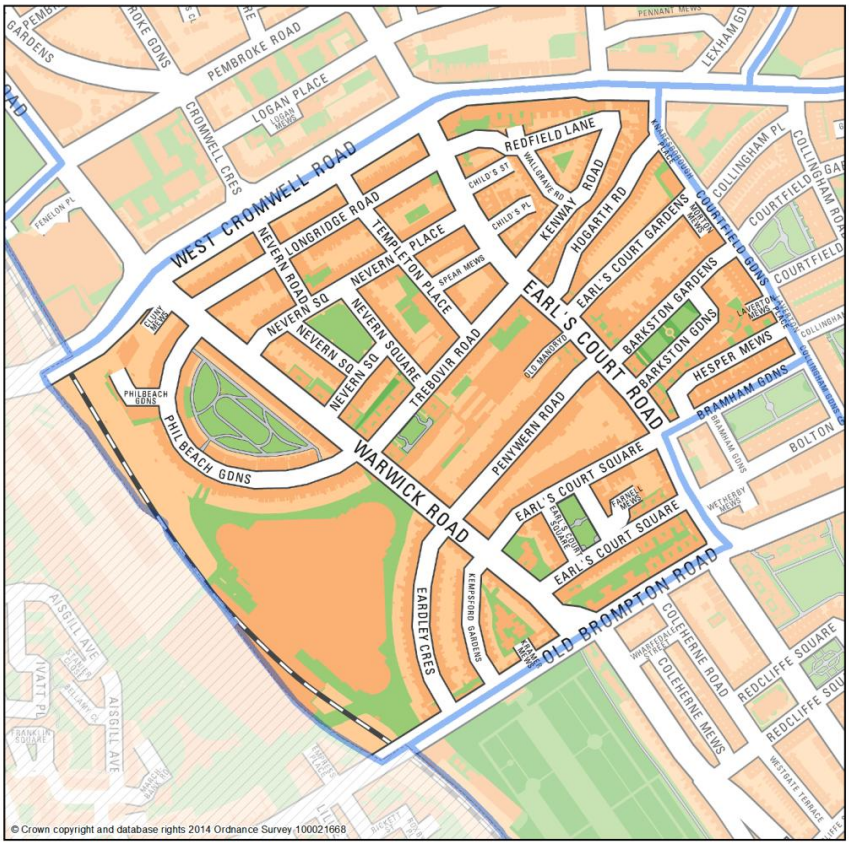
Area B: all publicly maintained roads within the Borough.

MAP C - AREA C

Earl's Court Ward

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA





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Metres

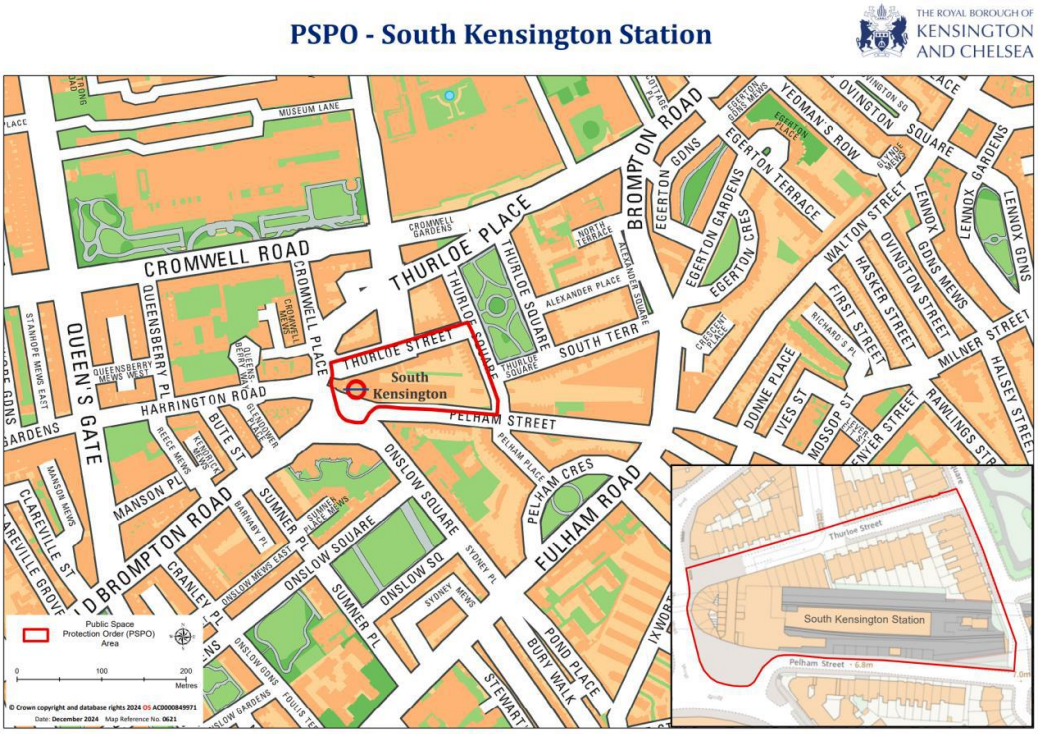
Map produced by the
Property and Land Applications Team (PLAT)
plat@rbkc.gov.uk | 22 May 2014 | Ref: 3824

Please see overleaf for the list of streets or parts of streets within Earl's Court Ward

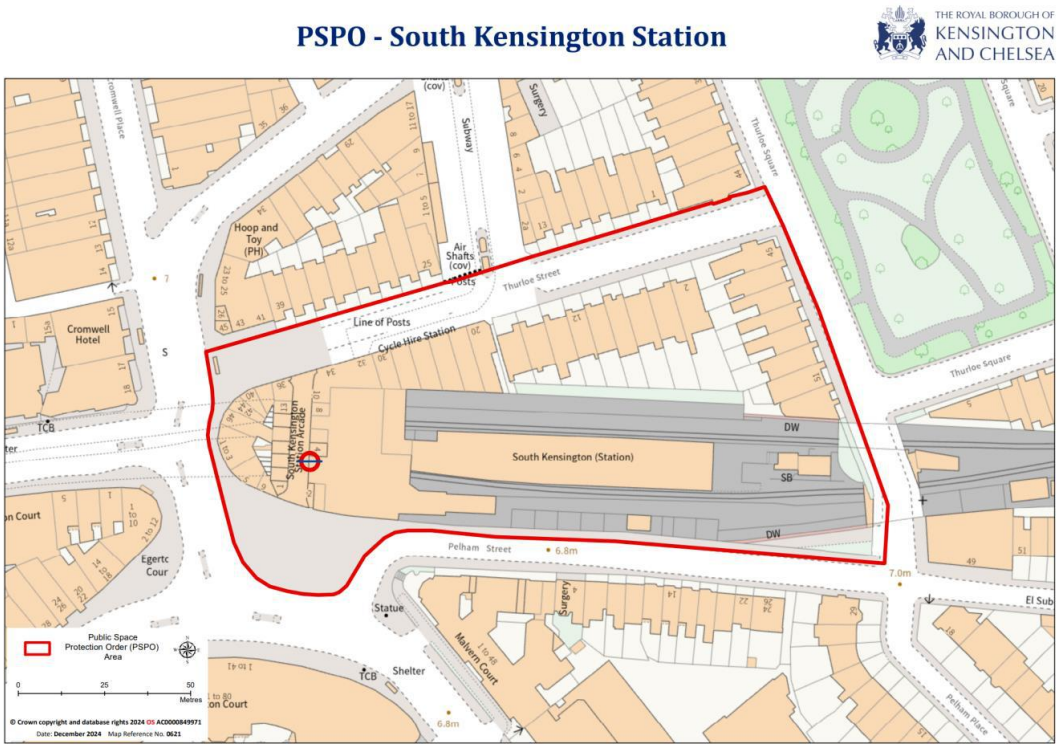
MAP D - AREA D

AREA D - South Kensington Station

Map 1: South Kensington Station (overview)

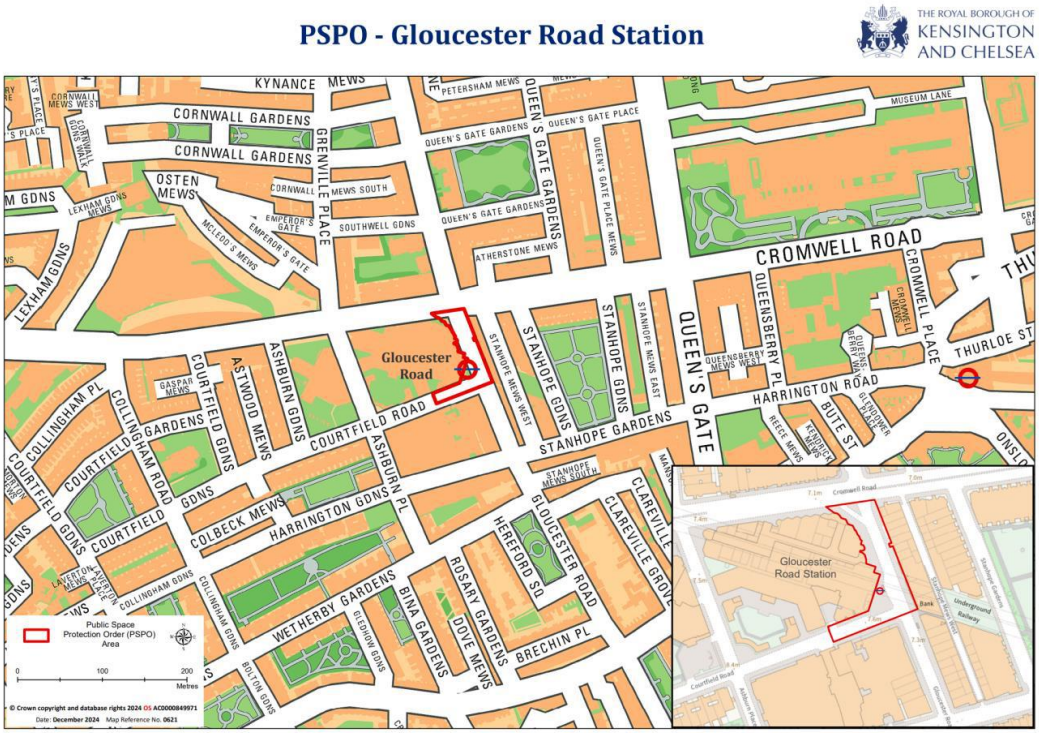


Map 1a: South Kensington Station (close-up)

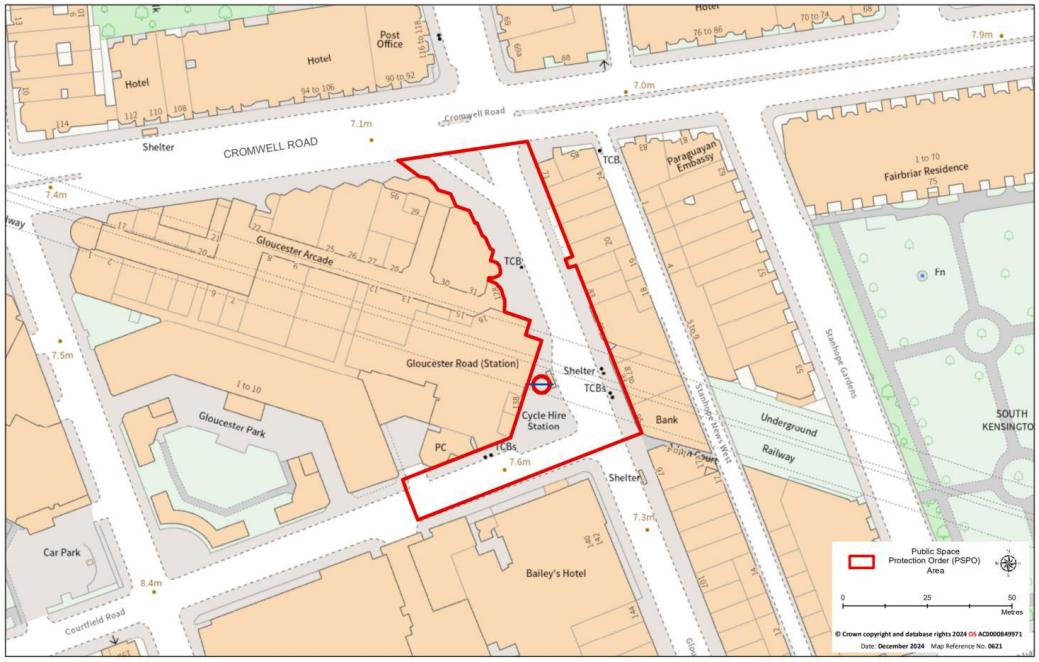


AREA D - Gloucester Road Station

Map 2: Gloucester Road Station (overview)



Map 2a: Gloucester Road Station (close-up)

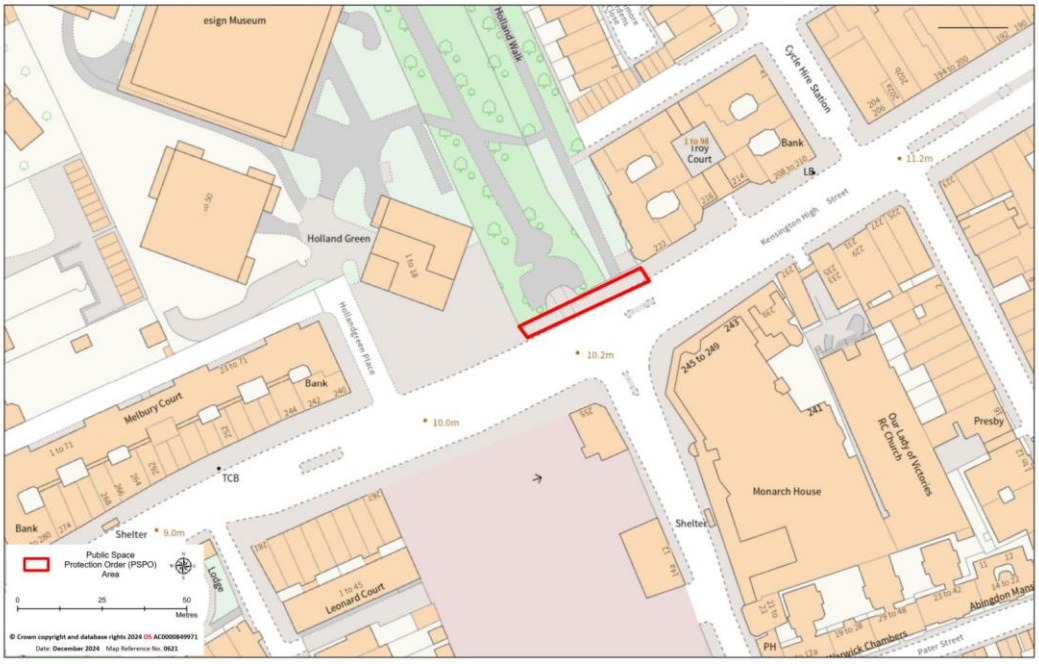


AREA D - Kensington High Street junction with Holland Park

Map 3: Kensington High Street junction with Holland Park (overview)



Map 3a: Kensington High Street junction with Holland Park (close-up)



MAP E - AREA E

PROPOSED BUSKING AND STREET ENTERTAINMENT ZONE RESTRICTIONS

The following Zone 1 and Zone 2 restrictions are reproduced from the Royal Borough of Kensington and Chelsea Busking and Street Entertainment PSPO 2023 for the purposes of this consultation. Maps E1–E8 show the previously mapped locations. Map E9 shows the proposed additional controlled area around Ladbroke Grove Station. Red and purple hatching indicate Zone 1 and Zone 2 respectively.

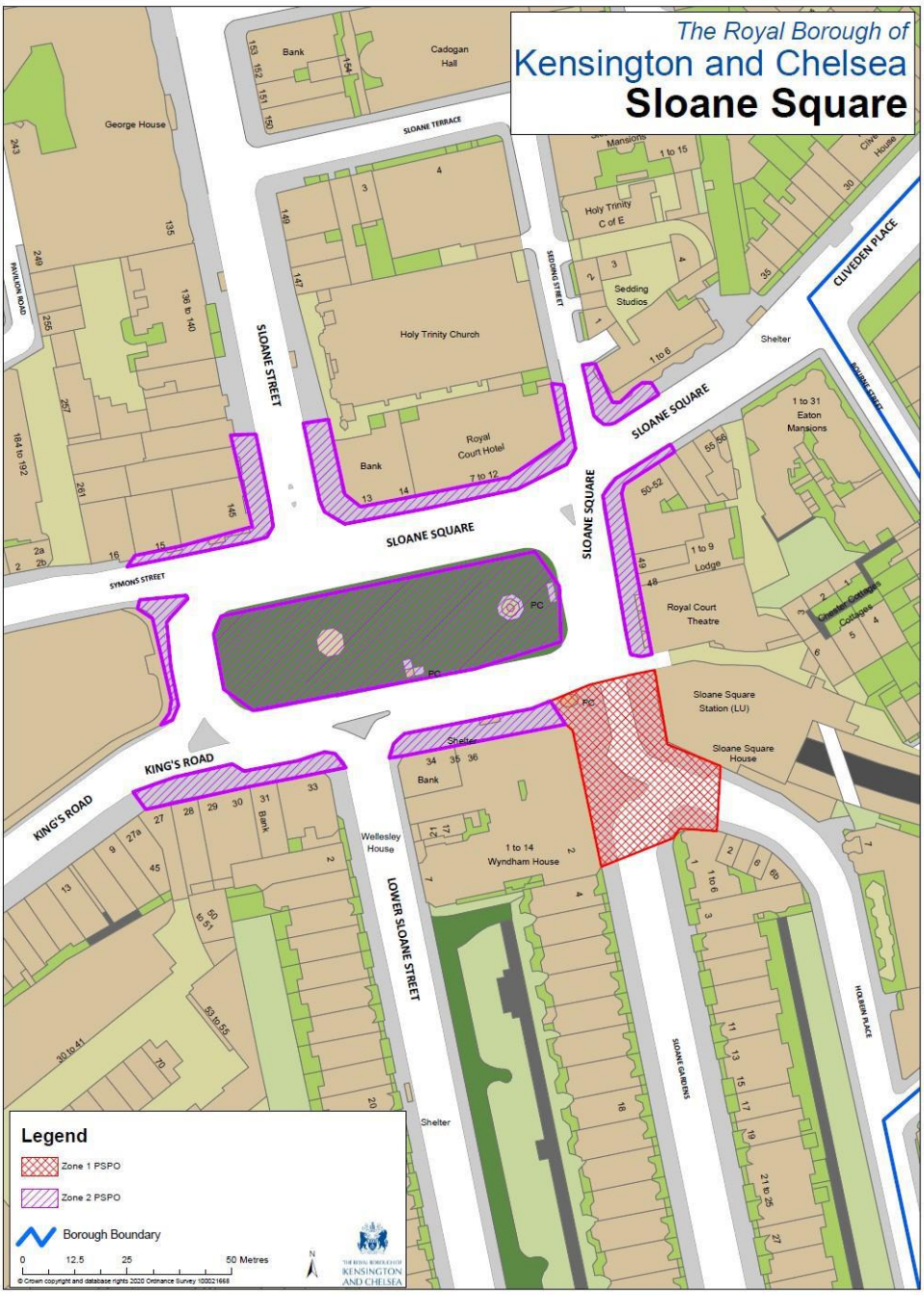
Red zone (Zone 1) prohibits:

- Any busking or street entertainment that includes singing, and/or uses any form of musical or percussive device or instrument.
- No more than six performers at any location per performance.

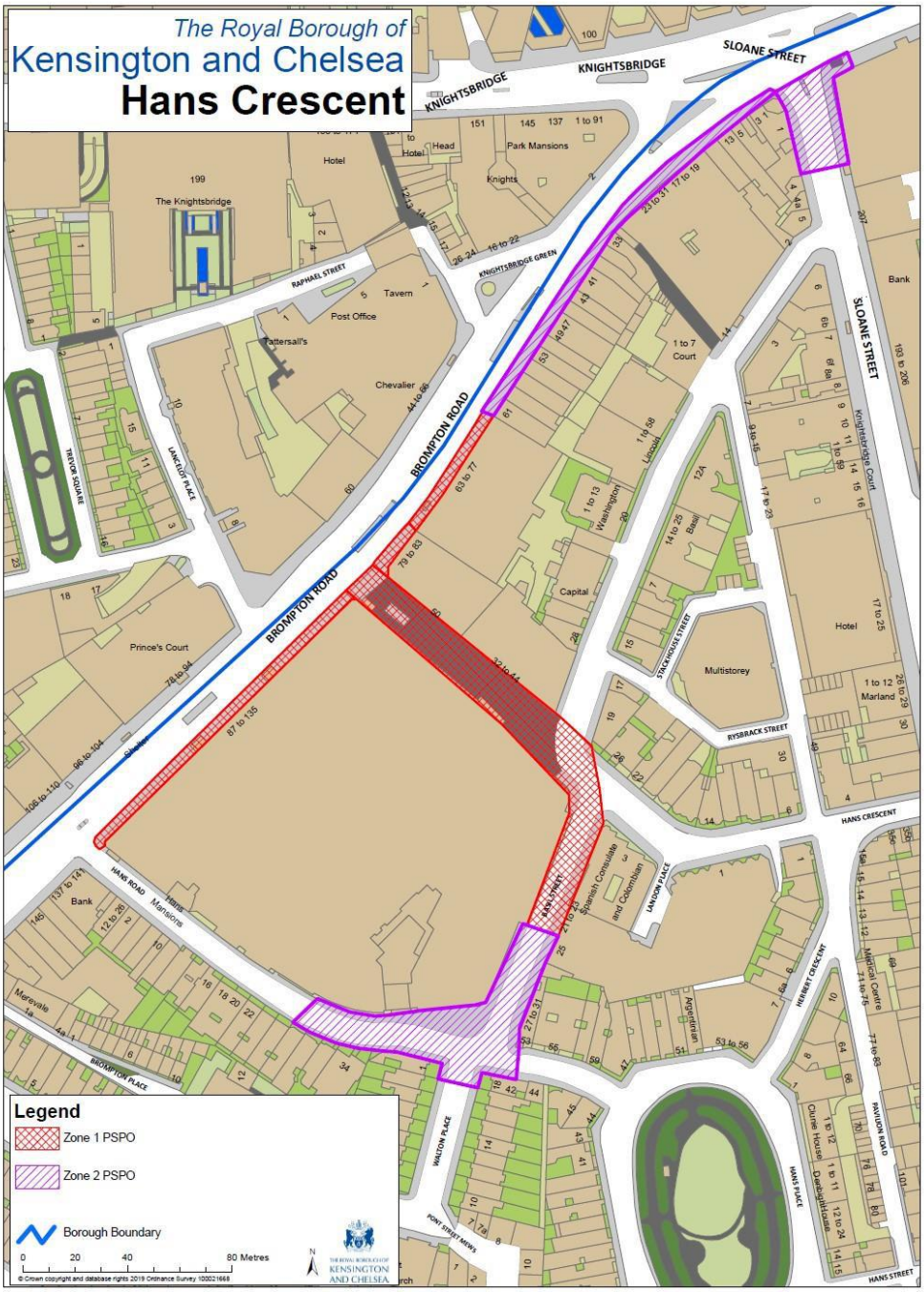
Purple zone (Zone 2) provides the following requirements and restrictions on busking and street entertainment:

- No busking or street entertainment outside the hours of 10:00 and 19:00.
- No use of any amplifiers, loudspeakers, megaphones or any similar equipment in their performance.
- No performance of busking or street entertainment in any location to exceed 45 minutes, with no return to the same location (within 100 meters) on the same day.
- Sound levels from performances are not to be intrusive, so that they prevent or hinder normal conversation taking place 10 meters or more away from them.
- Repertoires shall be varied and avoid excessive repetition of any song or piece of music.
- No more than three performers in each location per performance.
- Buskers and street entertainers must have public liability indemnity insurance in place for up to £2 million and must be able to immediately produce evidence of the policy to any person authorised by the Council or the Police or any Police Community Support Officers.
- Buskers and street entertainers shall ensure that their performance does not cause an unreasonable obstruction to other pedestrians and road users.
- Buskers and street entertainers must not sell any goods (such as CD recordings) without the requisite authority from the Council.
- Buskers and street entertainers must act on the reasonable instructions given to them by any person authorised by the Council or the Police or Police Community Support Officers in particular where those instructions are based on their assessment that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality.

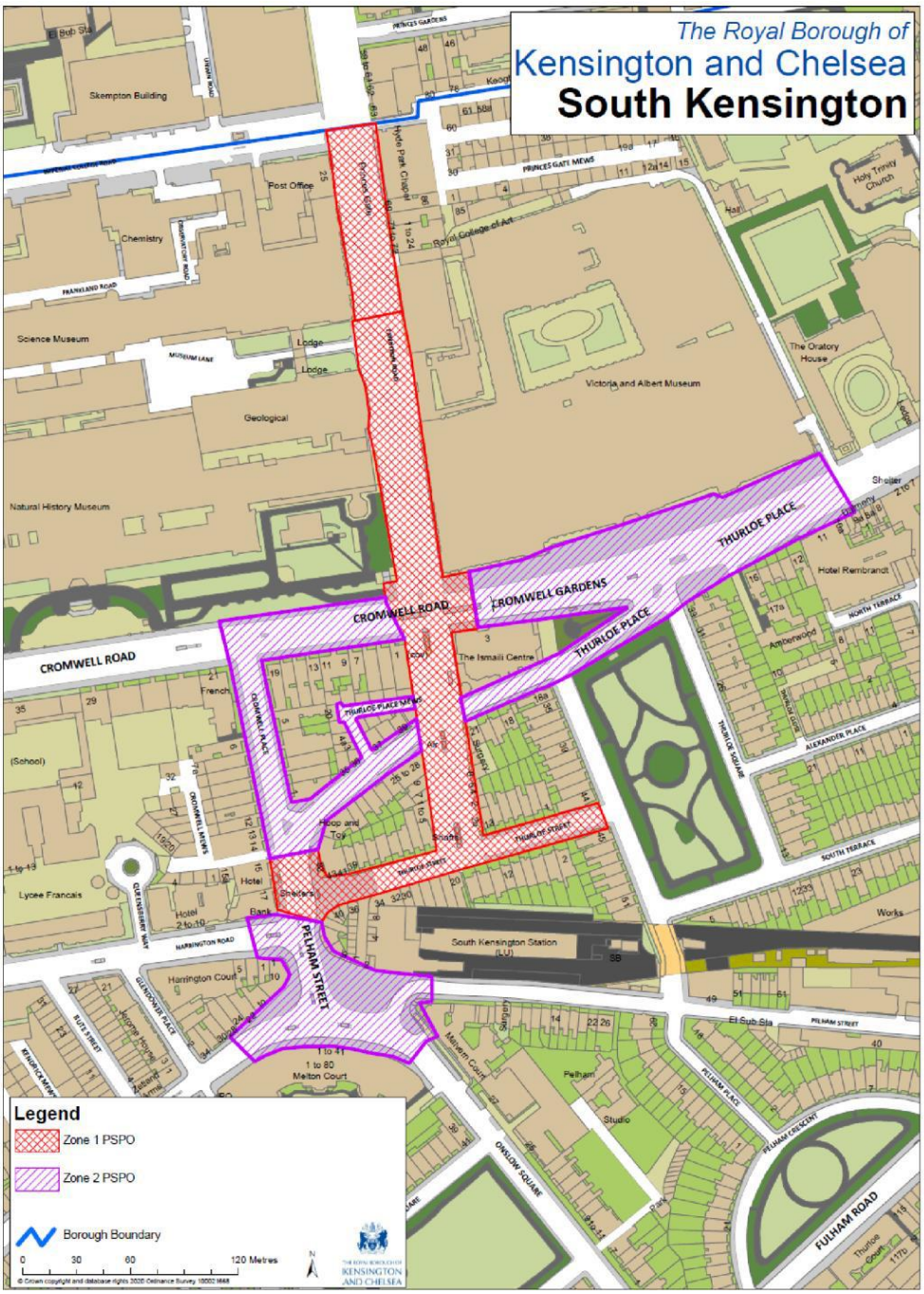
MAP E1 - Sloane Square



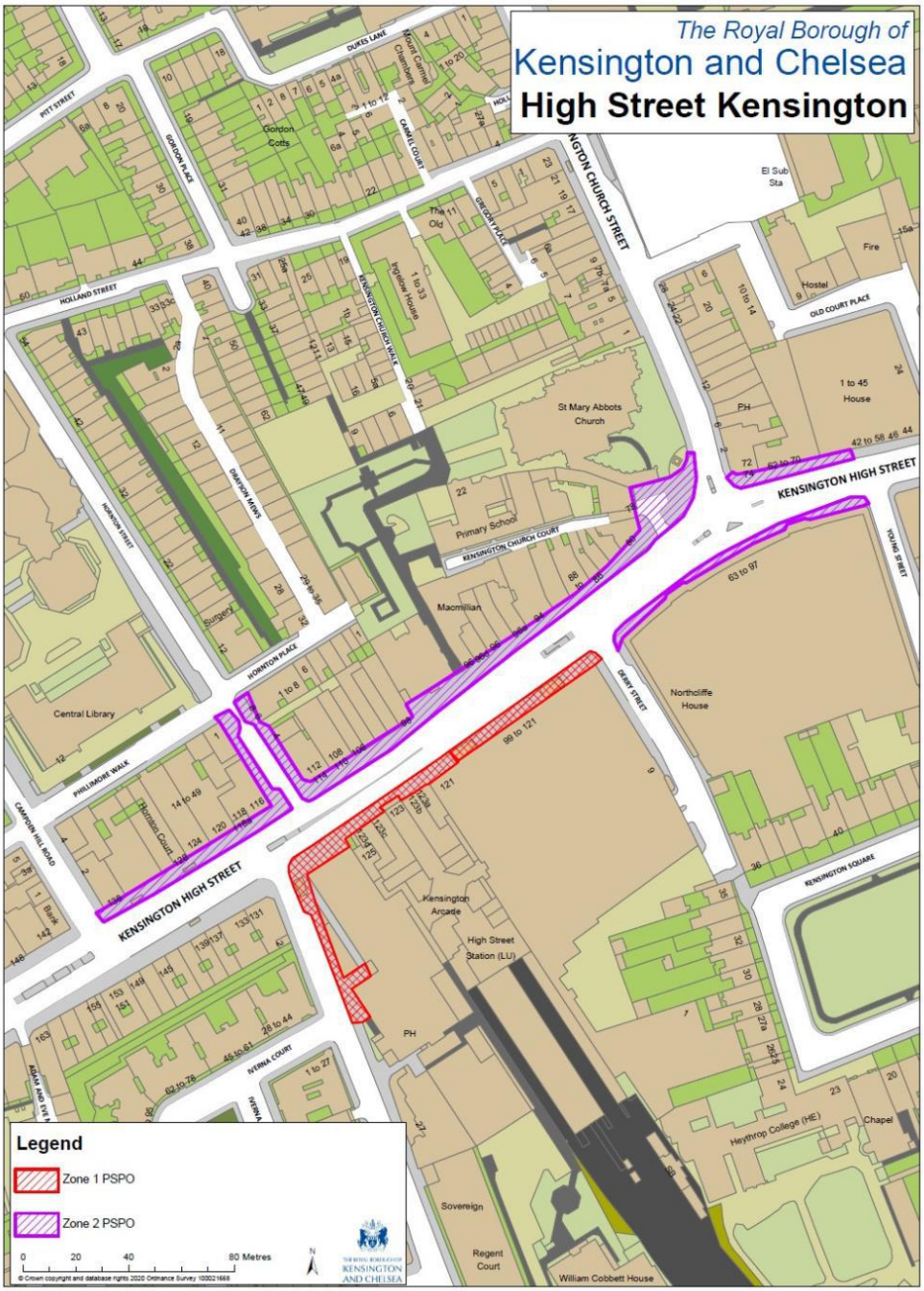
MAP E2 - Hans Crescent, Harrods and Knightsbridge Station



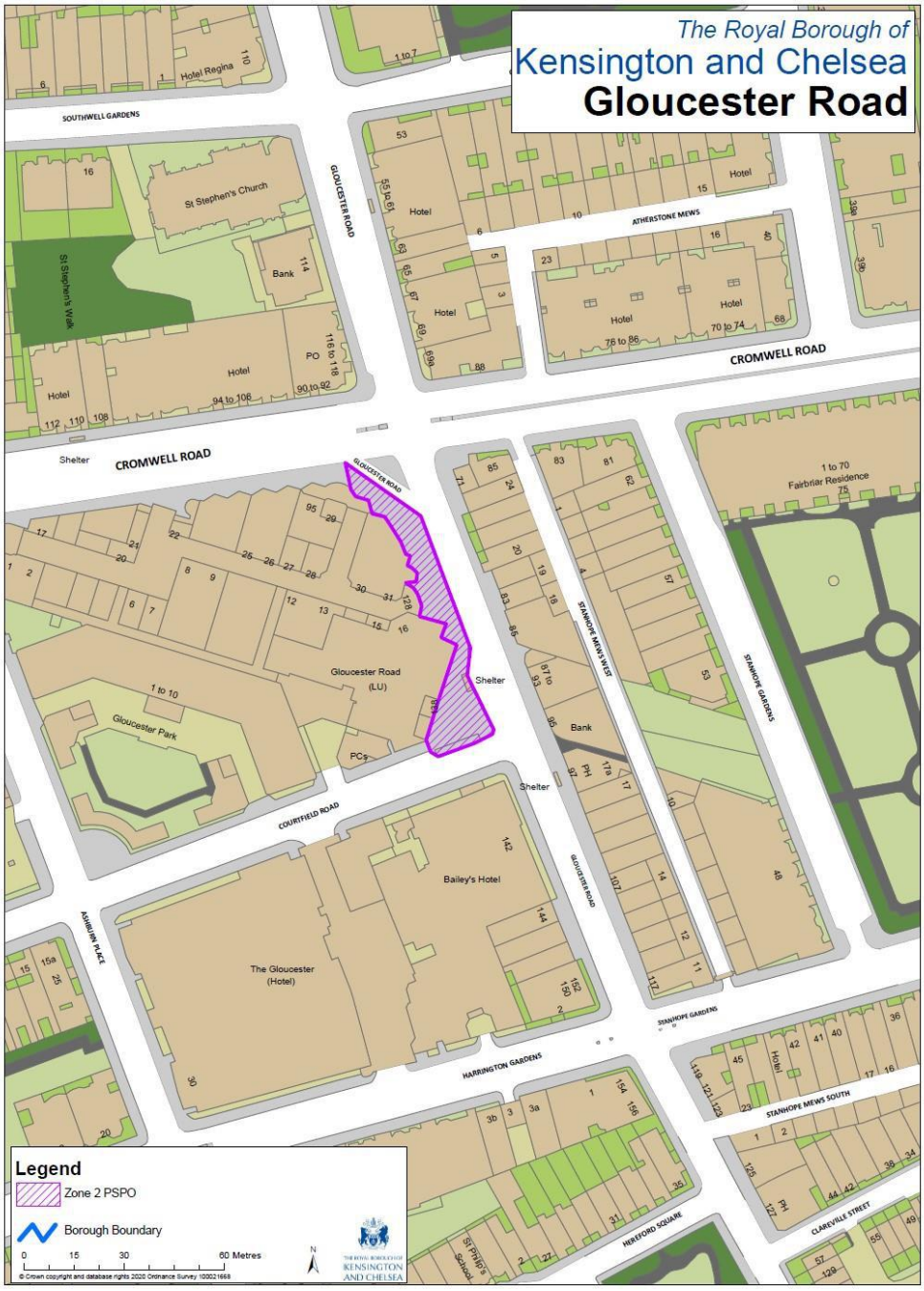
MAP E3 - Exhibition Road / South Kensington



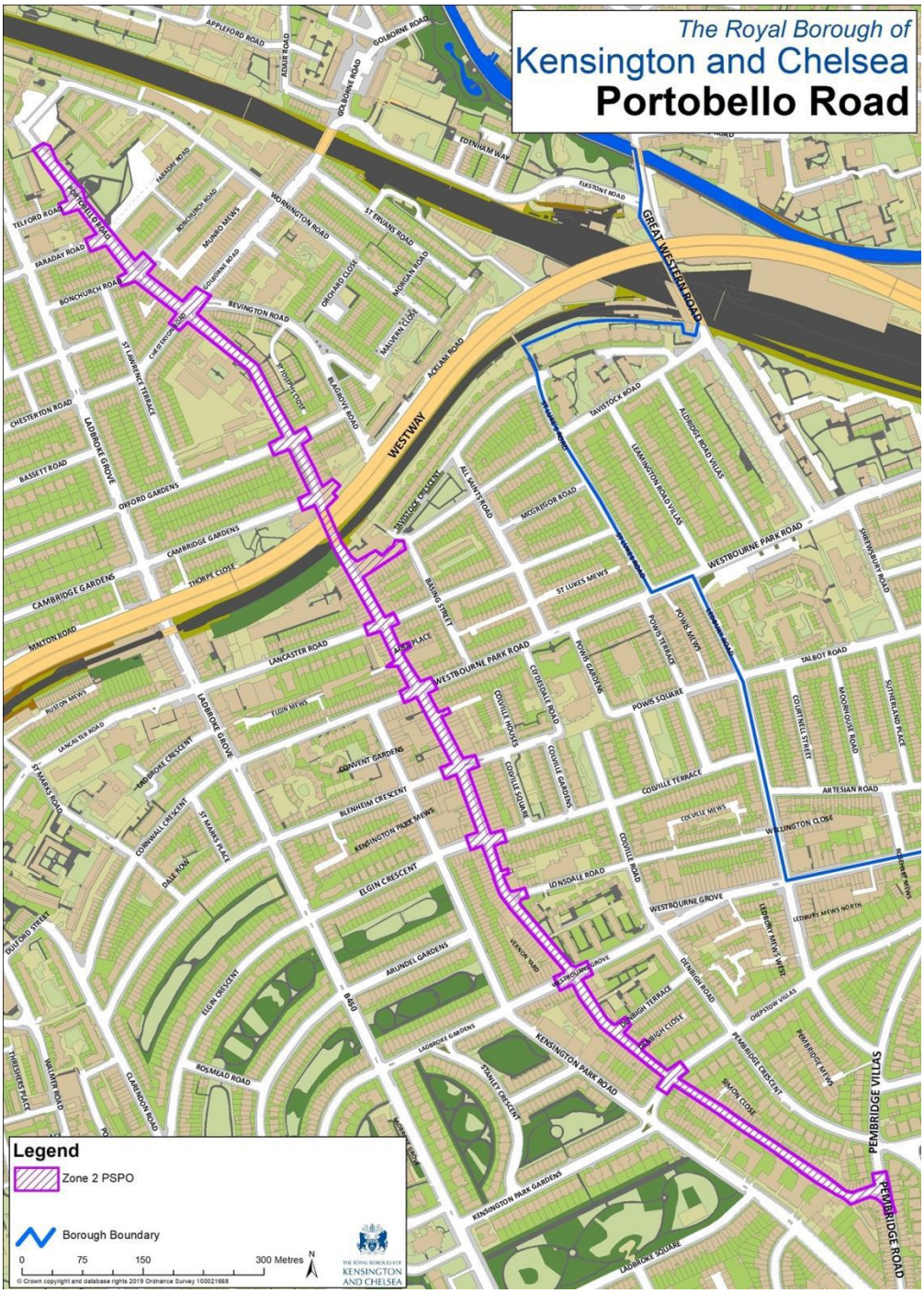
MAP E4 - Kensington High Street



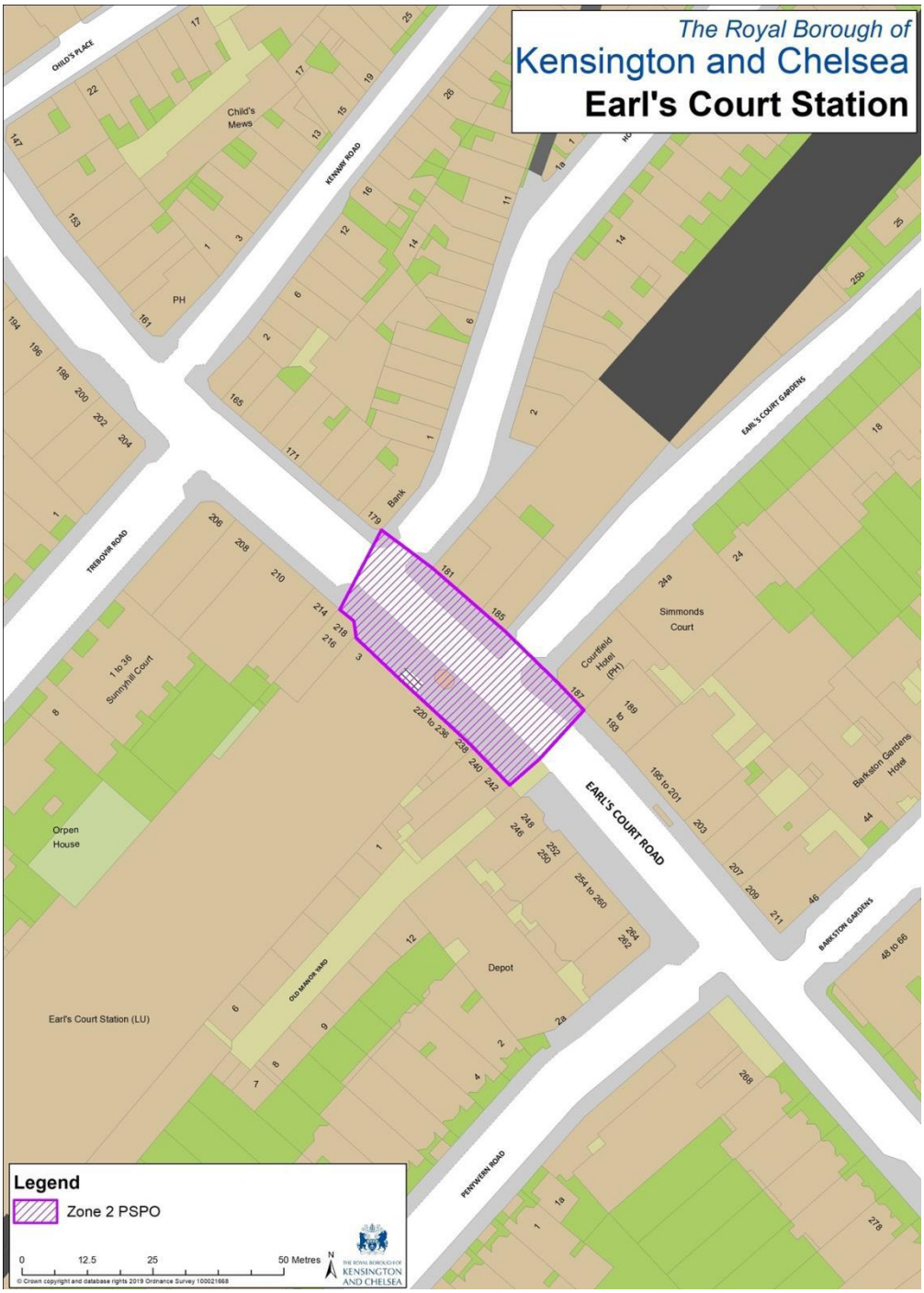
MAP E5 - Gloucester Road



MAP E6 - Portobello Road

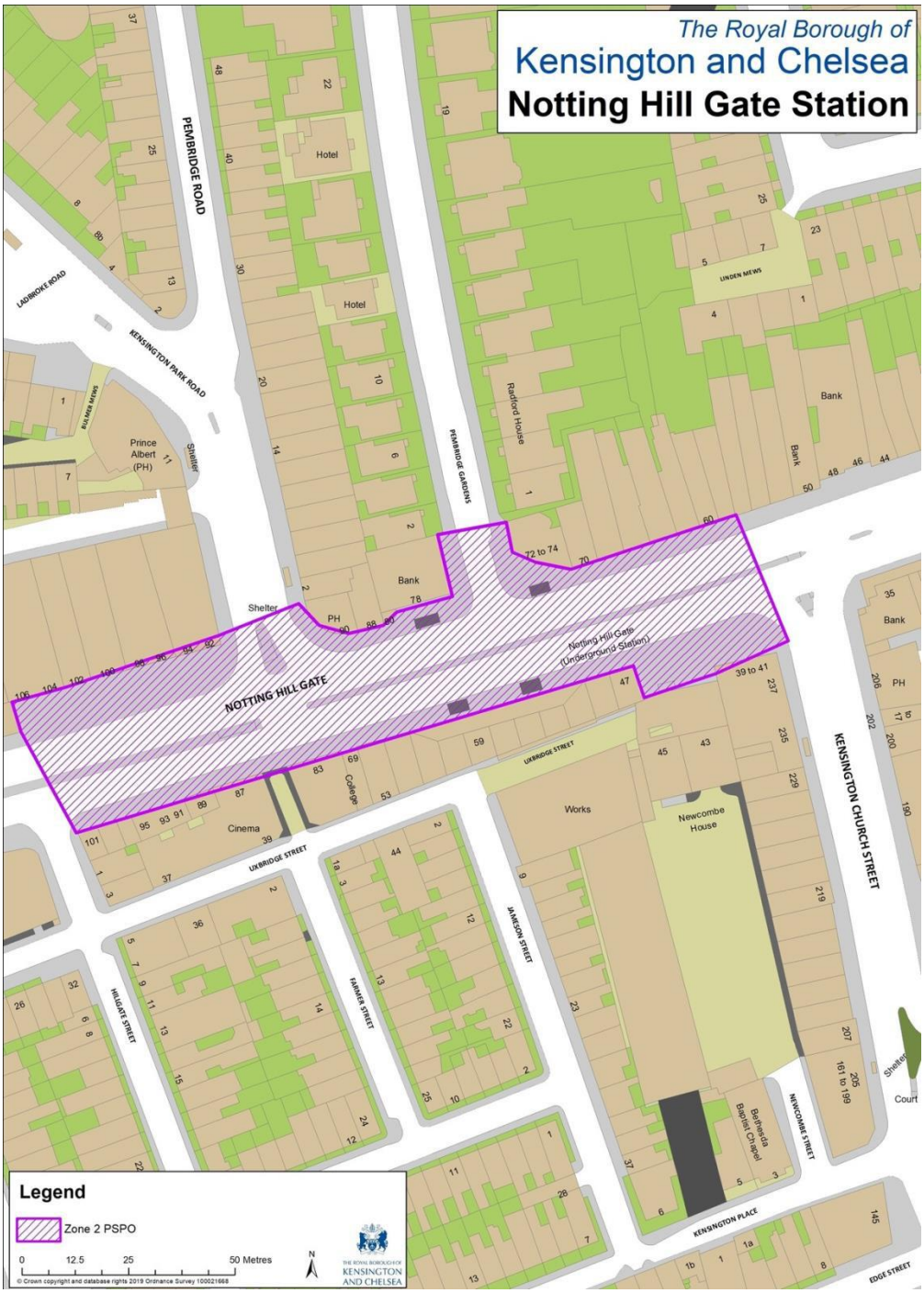


MAP E7 - Earl's Court Station



Source: RBKC Busking and Street Entertainment PSPO 2023, Map 7.

MAP E8 - Notting Hill Gate Station



MAP E9 - Ladbroke Grove Station (Proposed Additional Controlled Zone)

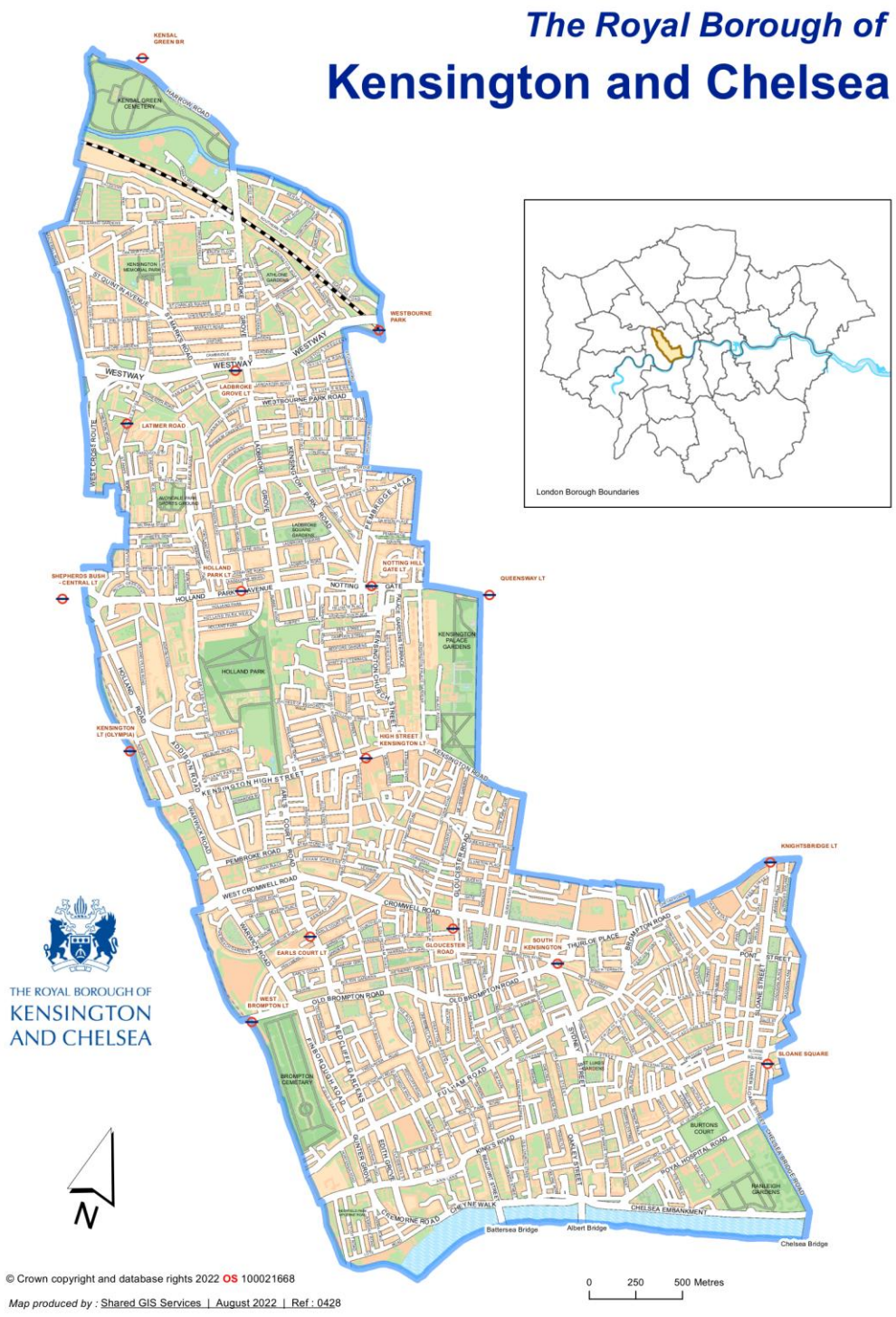


Legend

Zone 1 PSPO

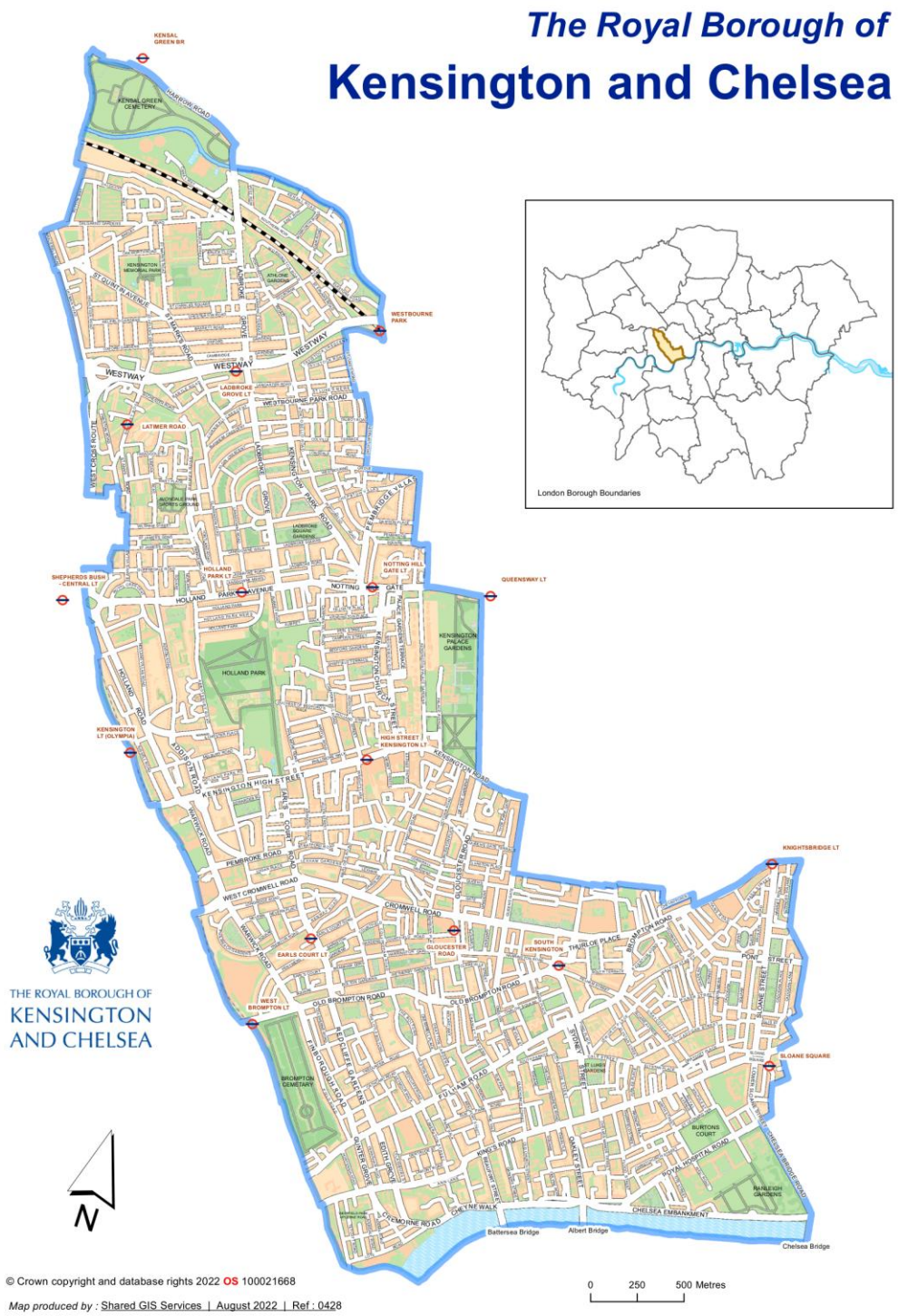
Zone 2 PSPO

MAP F - AREA F



Area F: Borough-wide

MAP G - AREA G



Area G: Borough-wide

SCHEDULE 3 - LEGISLATION

Section 62 - Anti-social Behaviour, Crime and Policing Act 2014

Alcohol prohibitions do not apply to premises and places specified in section 62, including licensed premises, club premises and relevant permitted highway areas.

Section 63 - Anti-social Behaviour, Crime and Policing Act 2014

Section 63 governs requirements to cease consuming and surrender alcohol and creates the related offence of failing without reasonable excuse to comply.

Section 67 - Anti-social Behaviour, Crime and Policing Act 2014

Section 67 creates the offence of doing anything prohibited by a PSPO or failing to comply with a requirement without reasonable excuse, subject to the statutory alcohol provisions.

Section 68 - Anti-social Behaviour, Crime and Policing Act 2014

Section 68 permits an authorised person to issue a fixed penalty notice in relation to an offence under section 63 or 67.

Section 191 - Licensing Act 2003

Section 191 defines alcohol for the purposes of the licensing legislation.