

Appendix A

Anti-social Behaviour, Crime and Policing Act 2014 (as amended)

Section 59



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

APPENDIX A

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

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by the Royal Borough of Kensington and Chelsea (the 'Council') and shall be known as the **Public Spaces Protection Order (South Kensington, Gloucester Road and Holland Park) No. 2 of 2024**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had 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, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. 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 European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.
4. The effect of this Order is to restrict and regulate wildlife feeding within the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order ("the restricted and regulated areas").

THE ACTIVITIES

5. The Activity prohibited by this Order is:

- a) No person shall purposely deposit food or animal feed on the ground or on any structure or building in the public area to attract or feed wildlife, or vermin, within the Restricted Areas of South Kensington Station, Gloucester Road Station and Kensington High Street junction with Holland Park (as marked on the attached maps).

THE PROHIBITION

6. A person shall not engage in any of the Activities listed at paragraph 5 anywhere within the Restricted Areas as shown shaded on the Maps 1-3 of Schedule 1 of this order and labelled "The Restricted Areas".

THE REQUIREMENTS

7. A person who is believed to have engaged in a breach of this Order is required to give their name and address to an Authorised Officer, a police officer, a police community support officer or other person designated by the Council.
8. A person who is believed to have engaged in a breach of this Order is required to leave the Restricted Area if asked to do so by an Authorised Officer and must not return to the Restricted Area for 24 hours.

DEFINITIONS

9.

'Authorised Officer' means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order, a Police Officer or any other person designated by the Council.

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

'Order' means this Public Spaces Protection Order (South Kensington, Gloucester Road and Holland Park) No.2 of 2024.

'Restricted Area' means the parts of the Royal Borough of Kensington and Chelsea as shown on the map at Schedule 1 of this order and labelled 'Map 1 - Restricted Area' and shaded with a pink boundary line.

'Wildlife feeding' means providing food for undomesticated animals living in the wild e.g pigeons, foxes, rats, mice. This order does not pertain to pets or protected species.

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

PERIOD FOR WHICH THIS ORDER HAS EFFECT

10. This Order is made on xxxxxxxx and will come into force at midnight on xxxxxxxx and will expire at midnight on xxxxxxxxxxxx
11. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaced protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

FIXED PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice under s.68.

CRIMINAL OFFENCE

A person who is charged with the offence of failing to comply with this Order is liable upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

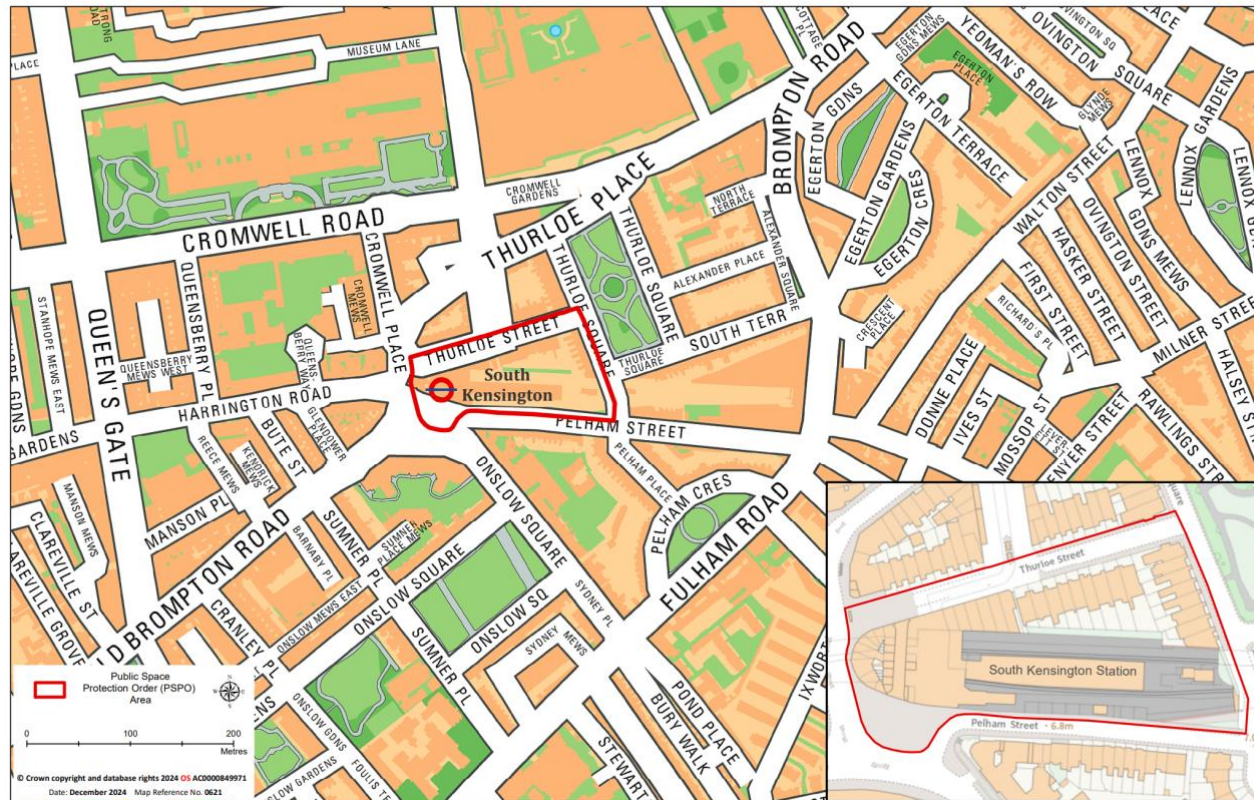
Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interest person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When 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. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

Schedule 1 - RESTRICTED AREA – MAPS

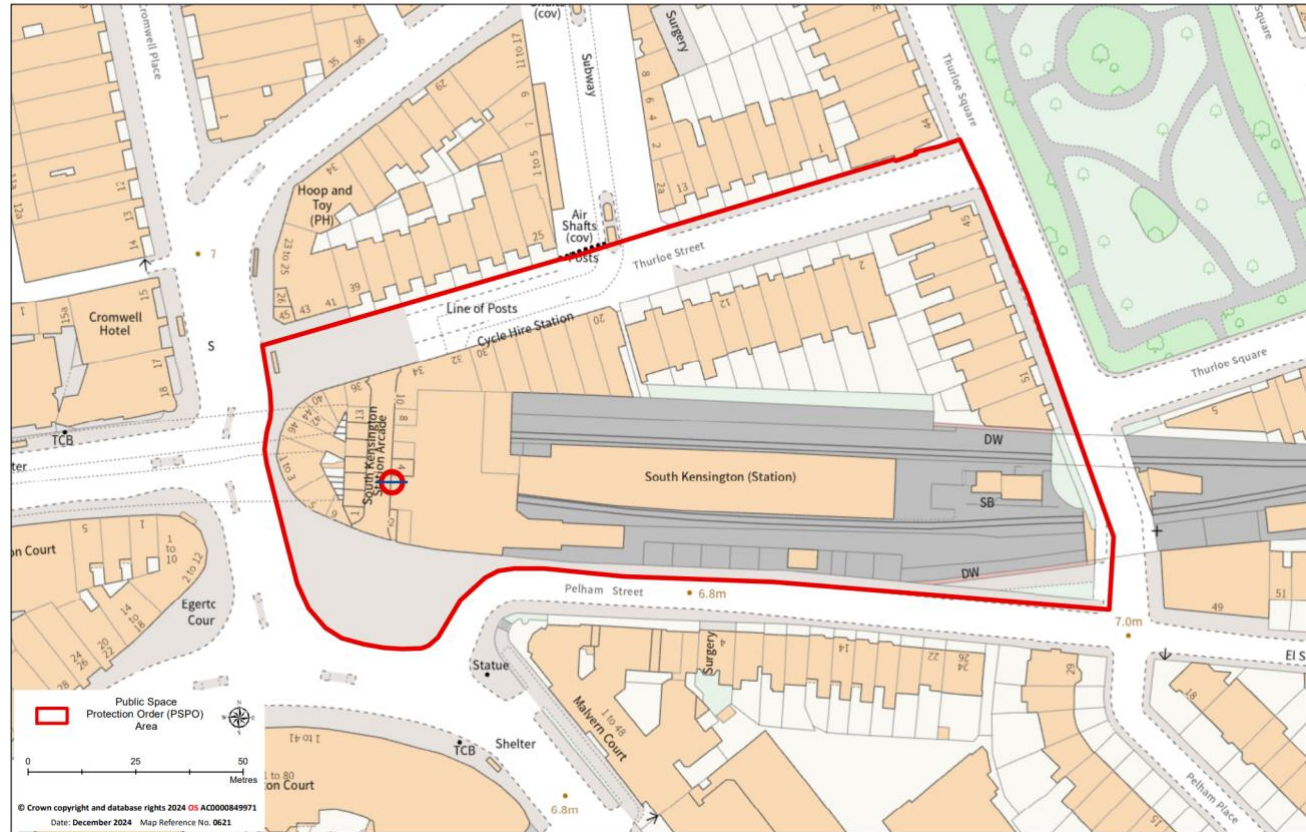
MAP 1 – The Restricted Area - South Kensington Station

PSPO - South Kensington Station



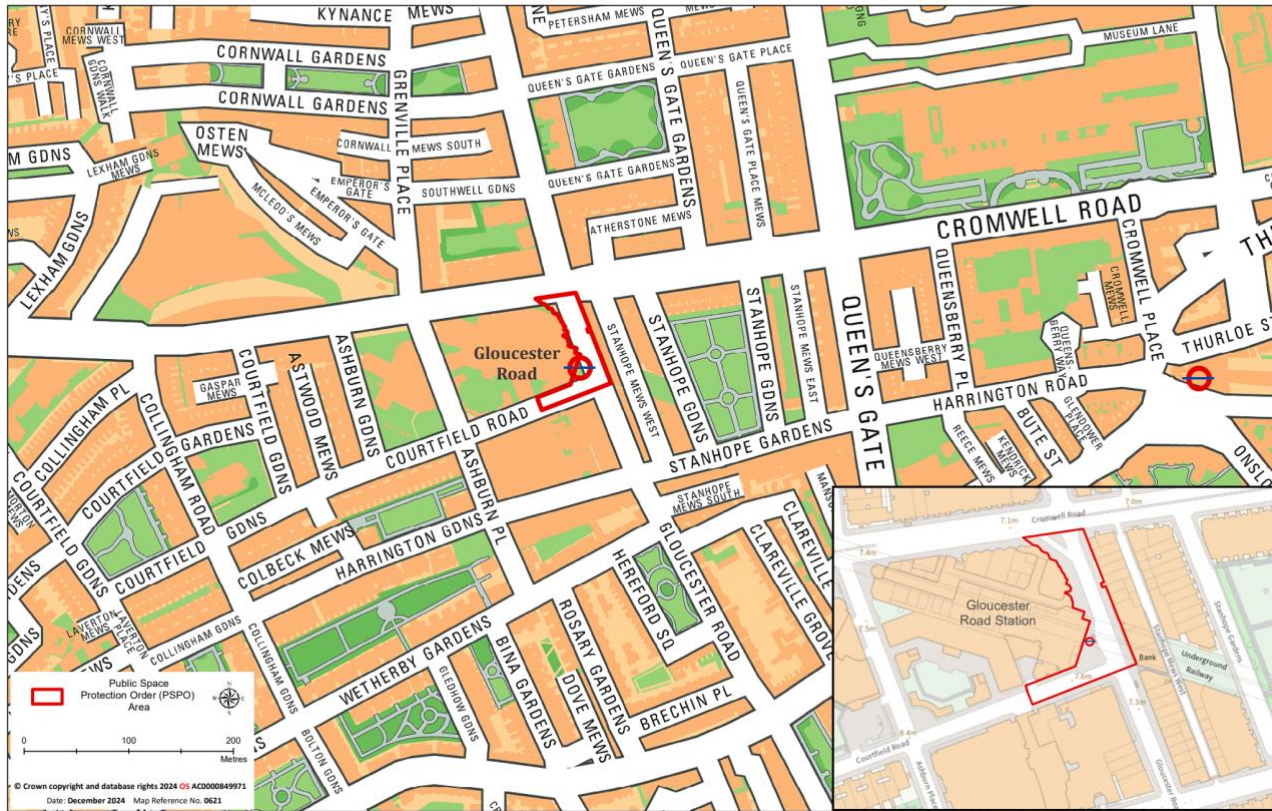
MAP 1a – The Restricted Area - South Kensington Station – close up

PSPO - South Kensington Station



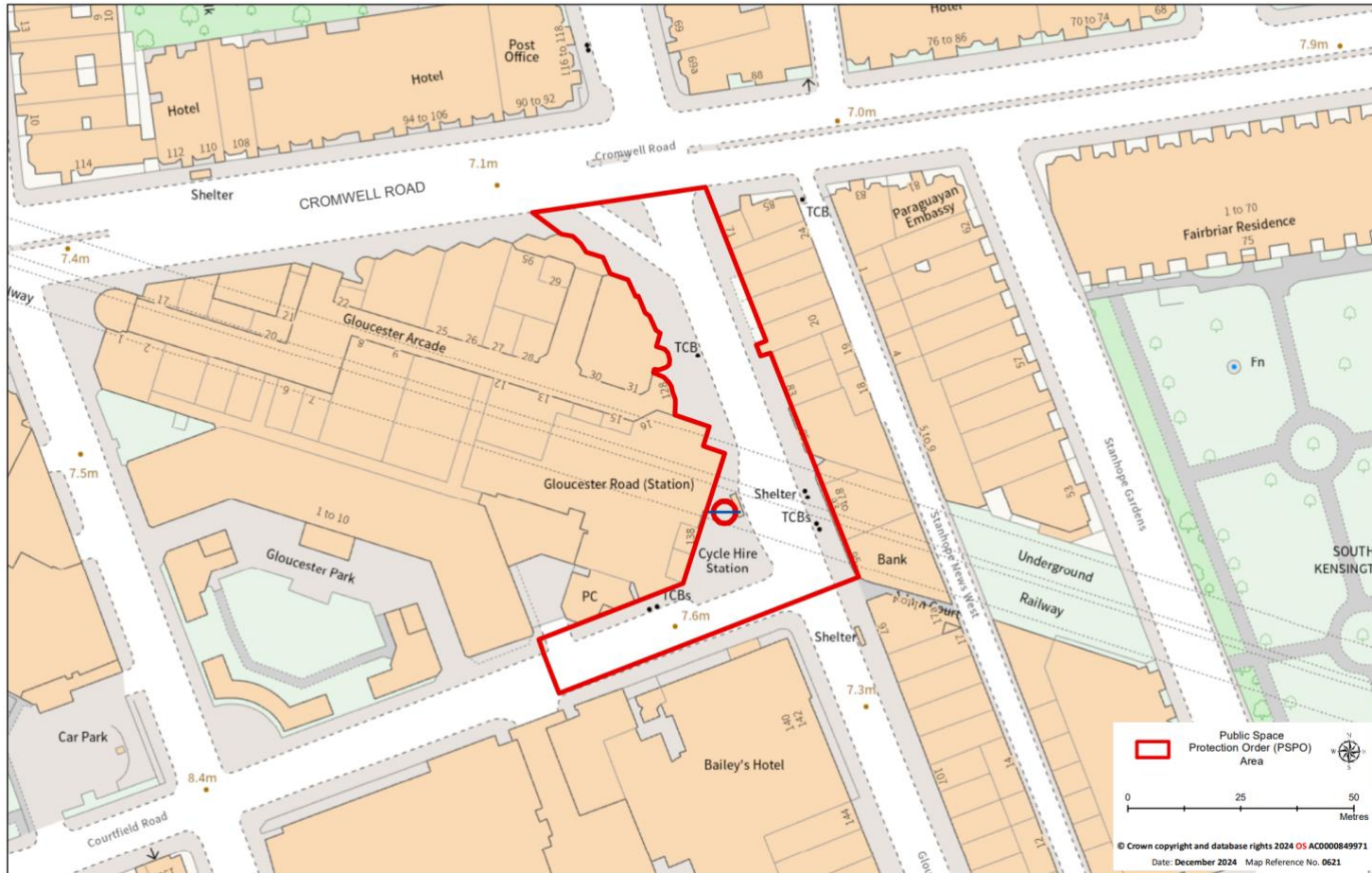
MAP 2- The Restricted Area – Gloucester Road Station

PSPO - Gloucester Road Station



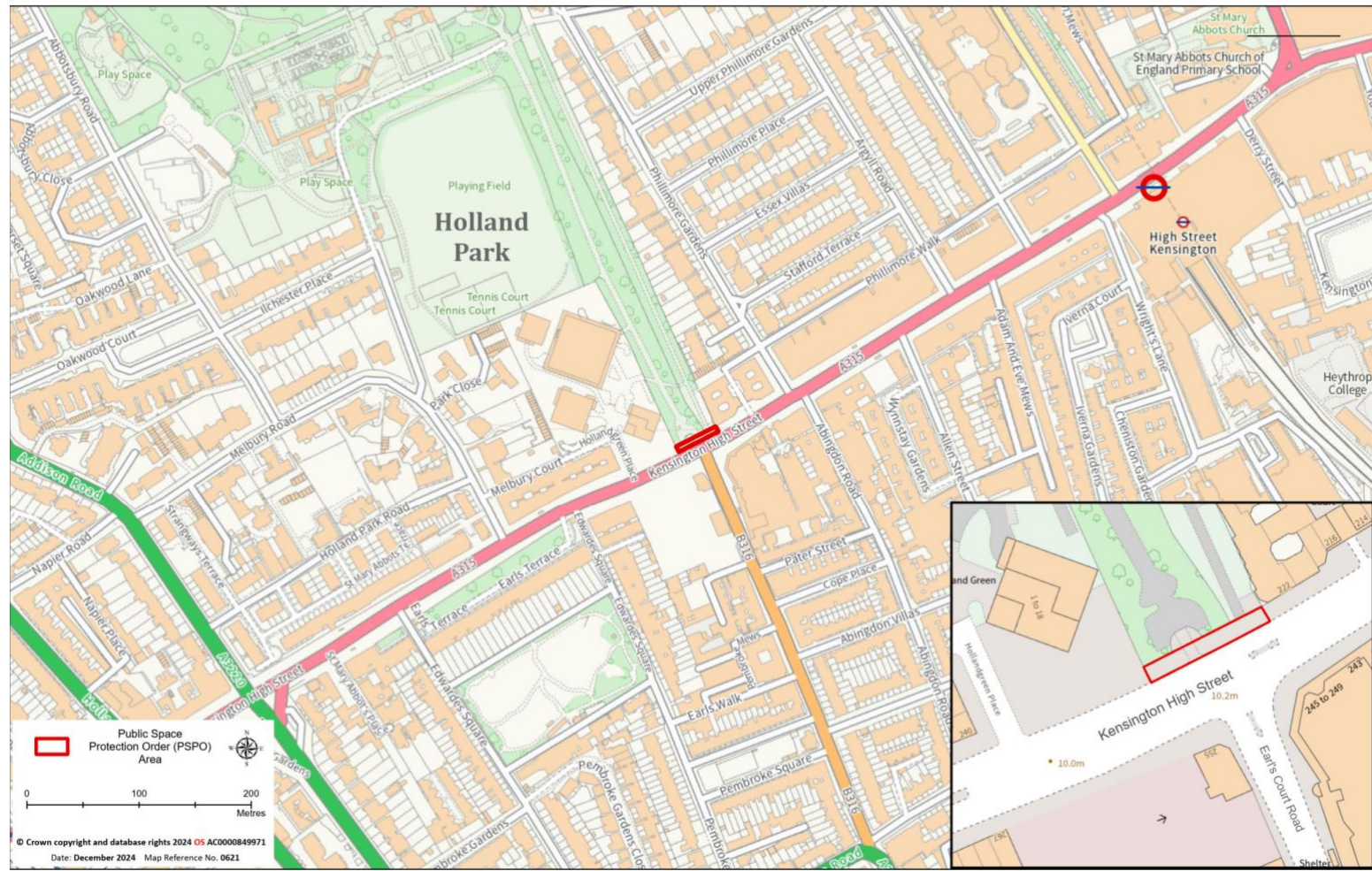
MAP 2a- The Restricted Area – Gloucester Road Station- close up

PSPO - Gloucester Road Station



MAP 3– The Restricted Area – Kensington High Street entrance to Holland Park

PSPO - Kensington High Street (junction with) Holland Park



MAP 3a– The Restricted Area – Kensington High Street entrance to Holland Park- close up

PSPO - Kensington High Street (junction with) Holland Park



Schedule 2 - LEGISLATION

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

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