

APPENDIX A

ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER 2022

The Fareham Borough Council (Town Centre) Public Spaces Protection Order No. 1 of 2022

Fareham Borough Council ("The Council") makes the following Order in exercise of its powers under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act")

1. This Order may be cited as the Fareham Borough Council (Town Centre) Public Spaces Protection Order ("the Order")
2. This Order takes effect on the 24 December 2022 and continues to have effect for a period of three years thereafter.
3. This Order applies to the land ("the Restricted Area") and is shown red on the attached plan ("the Order plan").
4. This Order applies to all persons within the Restricted Area at all times of the day and night.
5. This Order applies the following prohibitions:-
 - (i) Persons not to act in a manner that causes harassment, alarm or distress as a result of consuming alcohol or refusing to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance and disorder within the Restricted Area.
 - (ii) Persons not to act in a manner that causes harassment, alarm or distress as a result of use of drugs, being in possession of drug paraphernalia or leaving paraphernalia within the Restricted Area
 - (iii) Persons not to act in a manner that causes harassment, alarm or distress as a result of sitting on the ground and begging or persistently approaching people for money within the Restricted Area.

6. The Council is satisfied that the conditions set out in Sections 59 and 72 of the Act have been satisfied and that it is, in all the circumstances, expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council is satisfied that activities have been carried out in the Restricted Area that have a detrimental effect on the quality of life of those in the locality. Furthermore the Council is satisfied that the effect of the 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 activity unreasonable and the effect justifies the restrictions imposed.
7. The Council makes this Order because people have been gathering in the Restricted Area and consuming alcohol, begging, taking drugs and acting in a manner causing alarm, harassment and distress to the local community.
8. Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under Section 67 of the Act. A person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A fixed penalty notice may be issued as an opportunity to discharging any liability to conviction for the offence under prohibition 5 (i), (ii), (iii) above by payment of the fixed penalty of £100 to the Council within 14 days of issue.
9. Failure to disperse from a defined Public Place in the Restricted Area and return to the defined Public Place in the Restricted Area within 12 hours of being required to disperse if required to do so by an Authorised Person. Failure to comply with a requirement of a constable or an authorised person not to consume alcohol or anything they reasonably believe to be alcohol; or to surrender anything which a constable or authorised officer reasonably believes to be alcohol or a container for alcohol, is a summary offence under Section 63 of the Act. A person guilty of an offence under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

SCHEDULE 1

The land to which this Order applies includes the following:

Parts of Fareham Town Centre and as shown on the attached map within the area marked in red.

For the avoidance of doubt the Restricted Area is shown red on the attached Order plan.

Dated this day of 20

The Common Seal of Fareham Borough Council

Was affixed to this Order in the presence of -

.....

.....

Authorised by the Council to sign in that behalf