

ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the SEVENOAKS DISTRICT COUNCIL (the 'Council') and shall be known as the **Public Spaces Protection Order, The Vine, Sevenoaks 2023**.

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.

THE ACTIVITIES

4. The Activities prohibited by this Order are:

- i. Engaging in anti-social behaviour which is likely to cause harassment alarm and distress to those persons in the locality
- ii. Returning to the area within 24 hours after being asked to leave.

THE PROHIBITIONS

5. A person shall not engage in any of the Activities listed at paragraph 4(i) and 4(ii), anywhere within the Restricted Area known as “The Vine, Sevenoaks” and marked on the map at Schedule 1 of this order and labelled “The Vine Restricted Area and surrounding grass areas”.
6. This Prohibition is subject to the Exception stated below.
7. Not to return within 24 hours after being asked to leave.

THE REQUIREMENT

8. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

THE EXCEPTION

9. Nothing in this order shall apply to a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at Schedule 2 of this Order.

DEFINITIONS

10. In this Order the following words or phrases are defined as follows:

‘Anti-social behaviour’ means conduct that has caused or is likely to cause nuisance, annoyance, harassment, alarm or distress to any person.

‘Authorised Officer’ means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order.

‘Council’ means Sevenoaks District Council.

‘Restricted Area’ means the The Vine and surrounding grasslands, Sevenoaks as shown on the maps at Schedule 1 of this order and labelled “The Vine, Sevenoaks Restricted Area” and shaded with a red boundary line.

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

PERIOD FOR WHICH THIS ORDER HAS EFFECT

11. This Order is made on **insert date** and will come into force at midnight on **insert date** and will expire at midnight on **insert date**.
12. 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.

Dated **insert date**

**THE COMMON SEAL OF
SEVENOAKS DISTRICT COUNCIL**
was here unto affixed in the
presence of:

Martin Goodman
Head of Legal Services
Authorised Signatory



insert seal

WD/374

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 spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

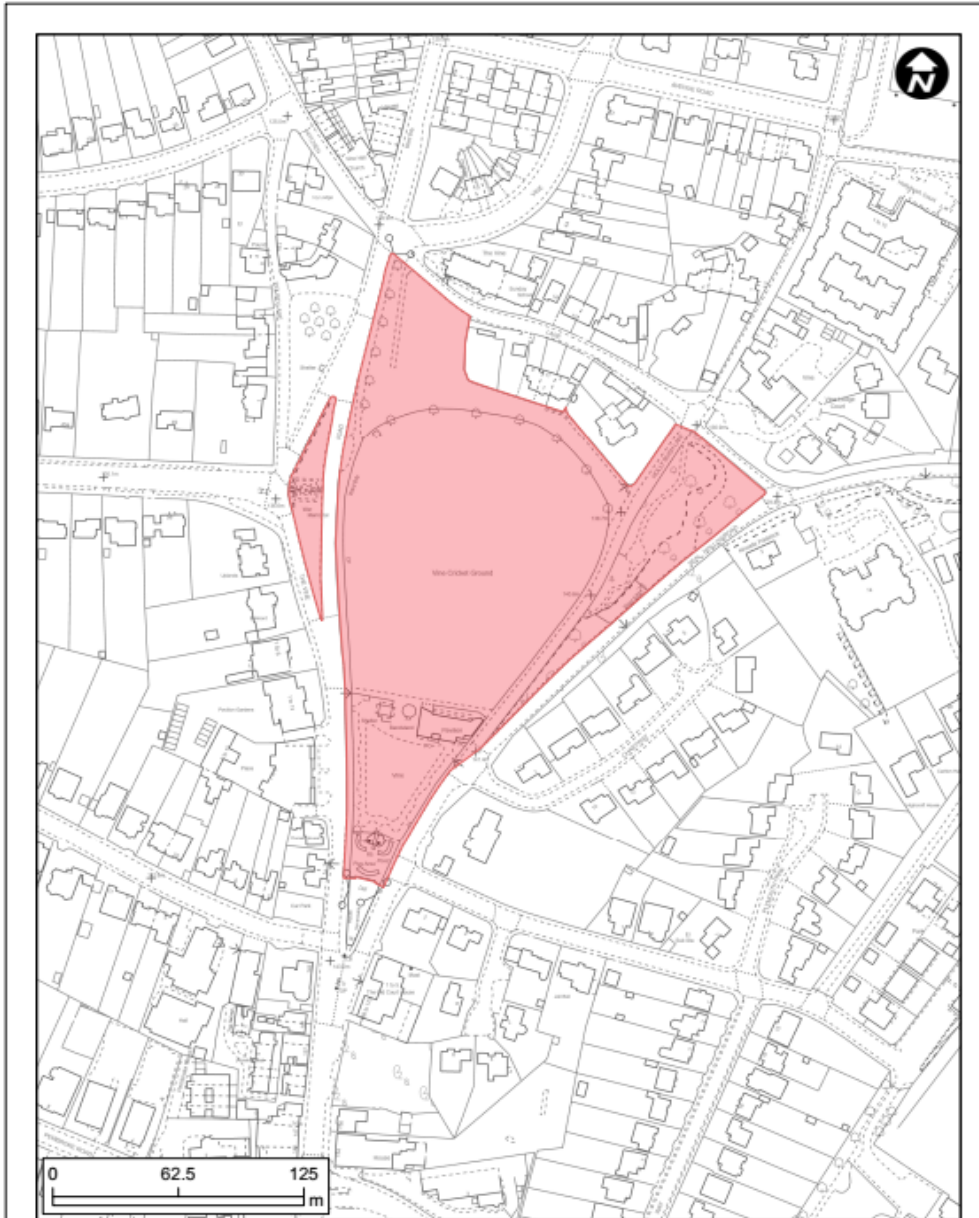
PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or 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 requirement

Map of the Vine and Grass Areas - PSPO Outline



© Crown copyright and database rights 2023
Ordnance Survey 100019428

The Vine

Scale: 1:2,500 @ A4
Date: May 2023

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Map generated from SIC GISMO.
Produced by the GG Team, Sevenoaks District Council

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

