



ROTHER DISTRICT COUNCIL

THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**THE PUBLIC SPACES PROTECTION ORDER (NO. 2) ROTHER DISTRICT
COUNCIL 2018**

Rother District Council (in this order called “the Authority”) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met and hereby make the following Order:

This Order comes into force on 29 November 2018 for a period of 3 years.

The Order relates to various public spaces within the Council’s area (“the Restricted Areas”) as edged black on the Maps and referred to within this Order. The plan of the whole District is marked as (Map 1), being public space in the Authorities’ area to which the Act applies. The term “public place” for the purposes of this Order means any place to which the public or any section of the pub has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The Council is satisfied that the conditions set out in Section 59 of the Act have been met, being that:

(a) activities carried out in the Restricted Areas have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(b) and the effect, or likely effect, of the activities — is, or is likely to be, of a persistent or continuing nature, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.

The effect of the Order is to impose the following conditions on the use of the land:

1. Consumption of Alcohol in a Public Place (Section 63 of the Act)

The consumption of alcohol in the Restricted Area identified in **Map 2 (appended – map of Bexhill)** other than within the curtilage of public houses and licenced premises is prohibited. Where a constable, police community support officer or duly authorised Rother District Council Officer (hereafter “Authorised Officer”) reasonably believes that a person:

- i) is or has been consuming alcohol in breach of this prohibition, or
- ii) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

The constable, police community support officer or authorised officer may require that person:

- i) not to consume, in breach of this Order, alcohol or anything which the constable, police community support officer or authorised officer reasonably believes to be alcohol;
- ii) to surrender anything in the person’s possession which is, or which the constable, police community support officer or authorised officer reasonably believes to be, alcohol or a container for alcohol.

It is an offence for a person, without reasonable excuse to fail to comply with a requirement imposed by a constable or authorised person under section 63 of the Act and a person guilty of this offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A constable or authorised person may issue a fixed penalty notice of not more than £100.00 to anyone he or she has reason to believe has committed an offence under section 63 of the Act.

2. Nuisance Behaviour

- (a) No person shall engage in aggressive or assertive behaviour, or any other behaviour in the Restricted Area identified in **Map 3 (appended – map of Bexhill & Rye)** which may be regarded as anti-social or nuisance in nature, in the course of begging. Begging (which separately constitutes an offence under the Vagrancy Act 1824) includes any verbal, written or non-verbal requests (including the placing of hats, containers or other items) for money, donations, good or other material help or assistance.
- (b) No persons, will sleep or deposit any materials used or intended to be used as bedding in any public space with the Restricted Area identified in Map 1. In the first instance, any person contravening this condition, will be given a warning, advice and/or signposted to support services by Authorised Officers. The order will also apply to persons lying down or sleeping in the open air or within a vehicle or other non-fixed structure such as a caravan or tent without prior permission of the Council. This includes shop doorways and car parks.

A Police Officer, Police Community Support Officer or authorised officer who imposes a requirement on a person to comply with these requirement must tell that person that failing without reasonable excuse to comply with the requirement is an offence.

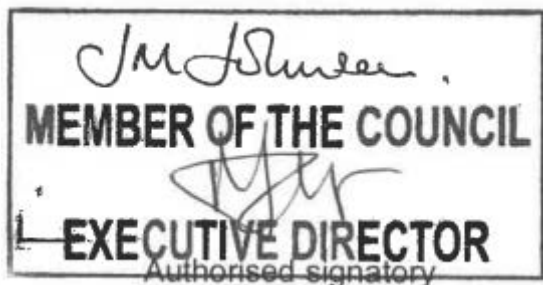
Offences

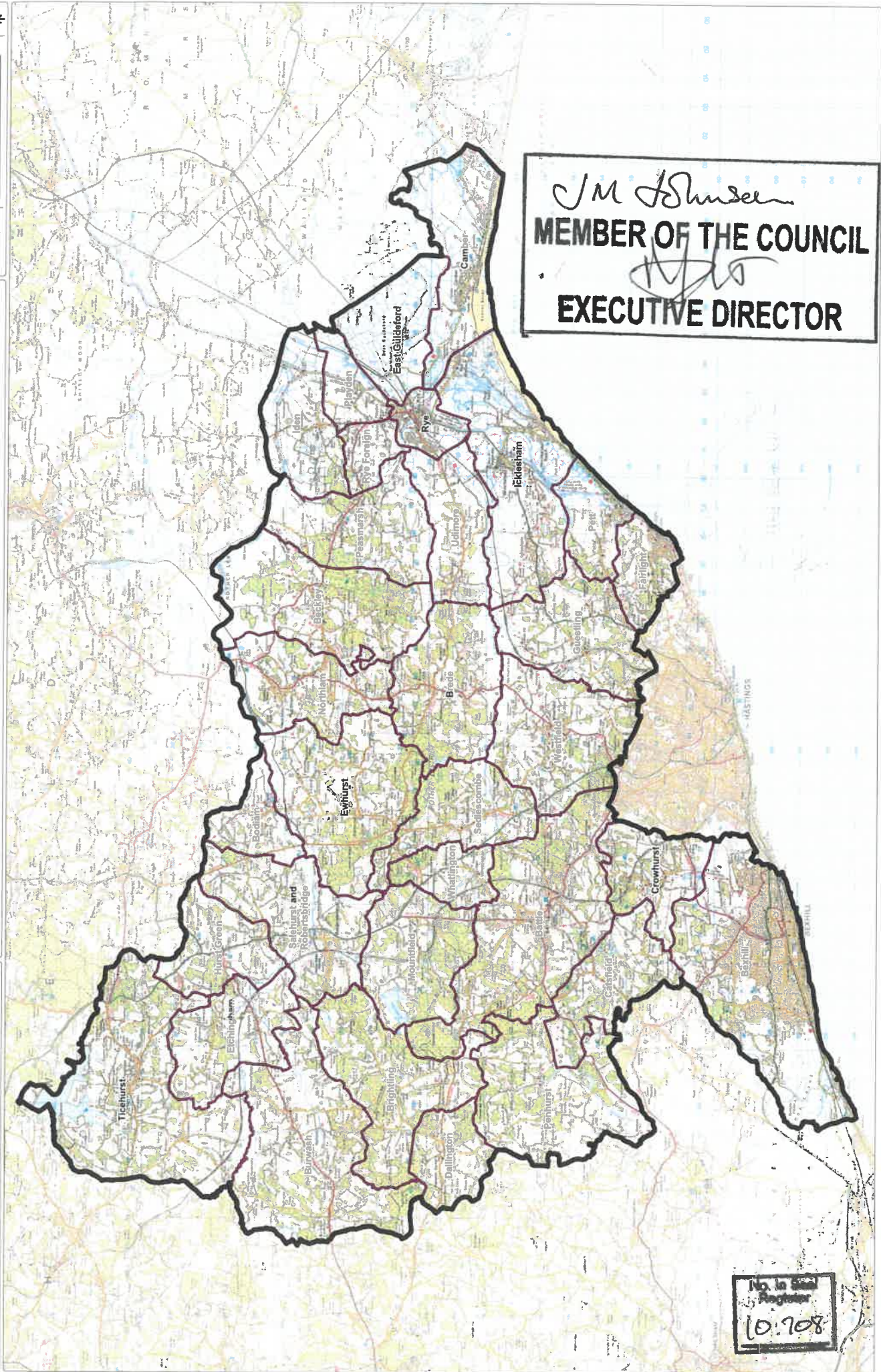
1. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine (£500.00).
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable of summary conviction to a maximum penalty of a level 3 fine (£1,000.00).
4. An authorised person may issue a Fixed Penalty Notice of a maximum of £100.00 to anyone he or she believes has committed an offence as an alternative to prosecution.

General

1. An authorised officer means an employee of the Council, a person designated by the Council, a Police Officer or a Police Community Support Officer.
2. An "interested person" (as defined in section 66(1) of the Act) may apply to the High Court to question the validity of this Order or any variation thereof on the grounds specified in section 66(2) of the Act within 6 weeks of the date of the Order or any subsequent variation.

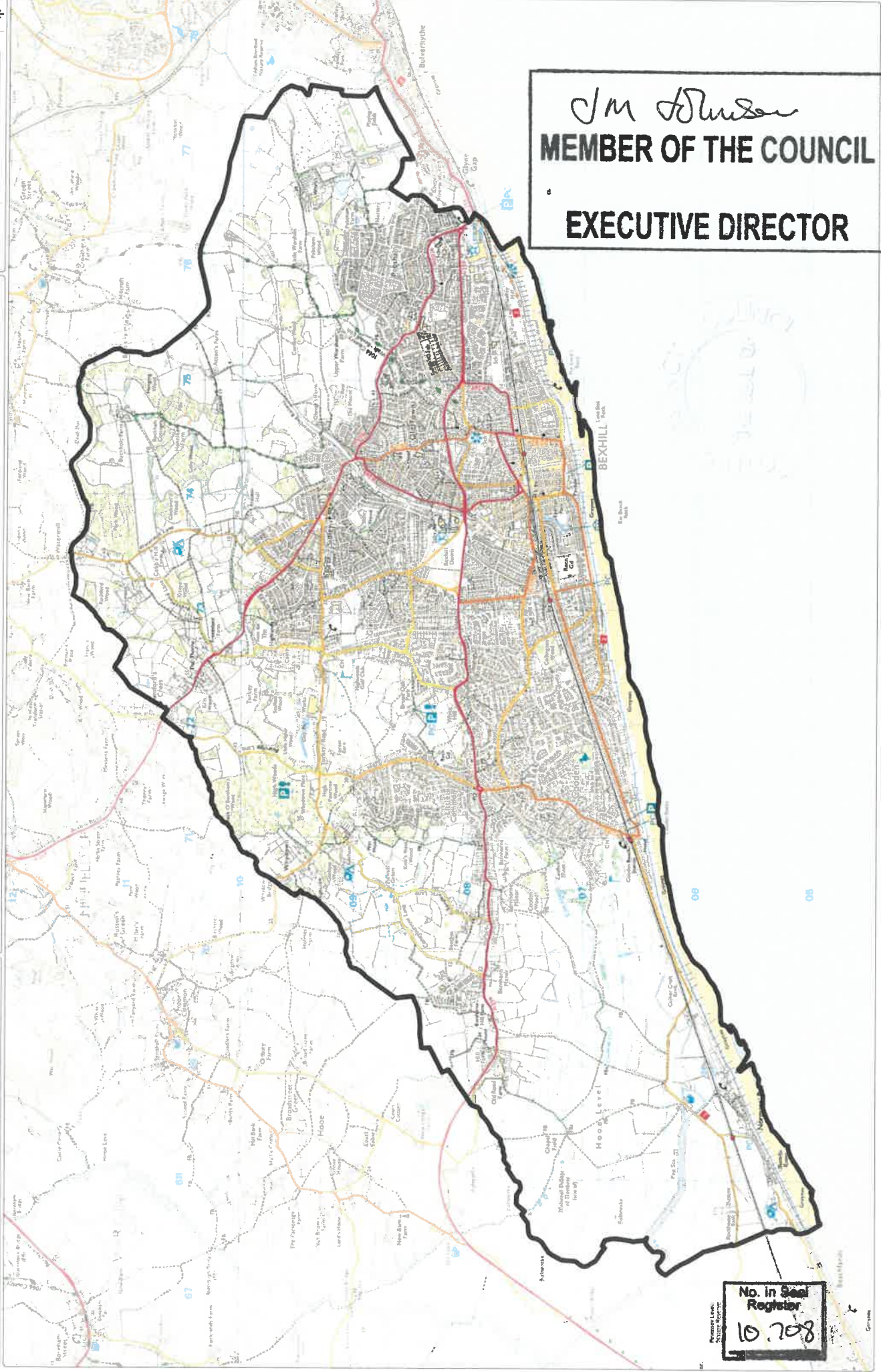
THE COMMON SEAL of
ROTHER DISTRICT COUNCIL
Was hereunto affixed the



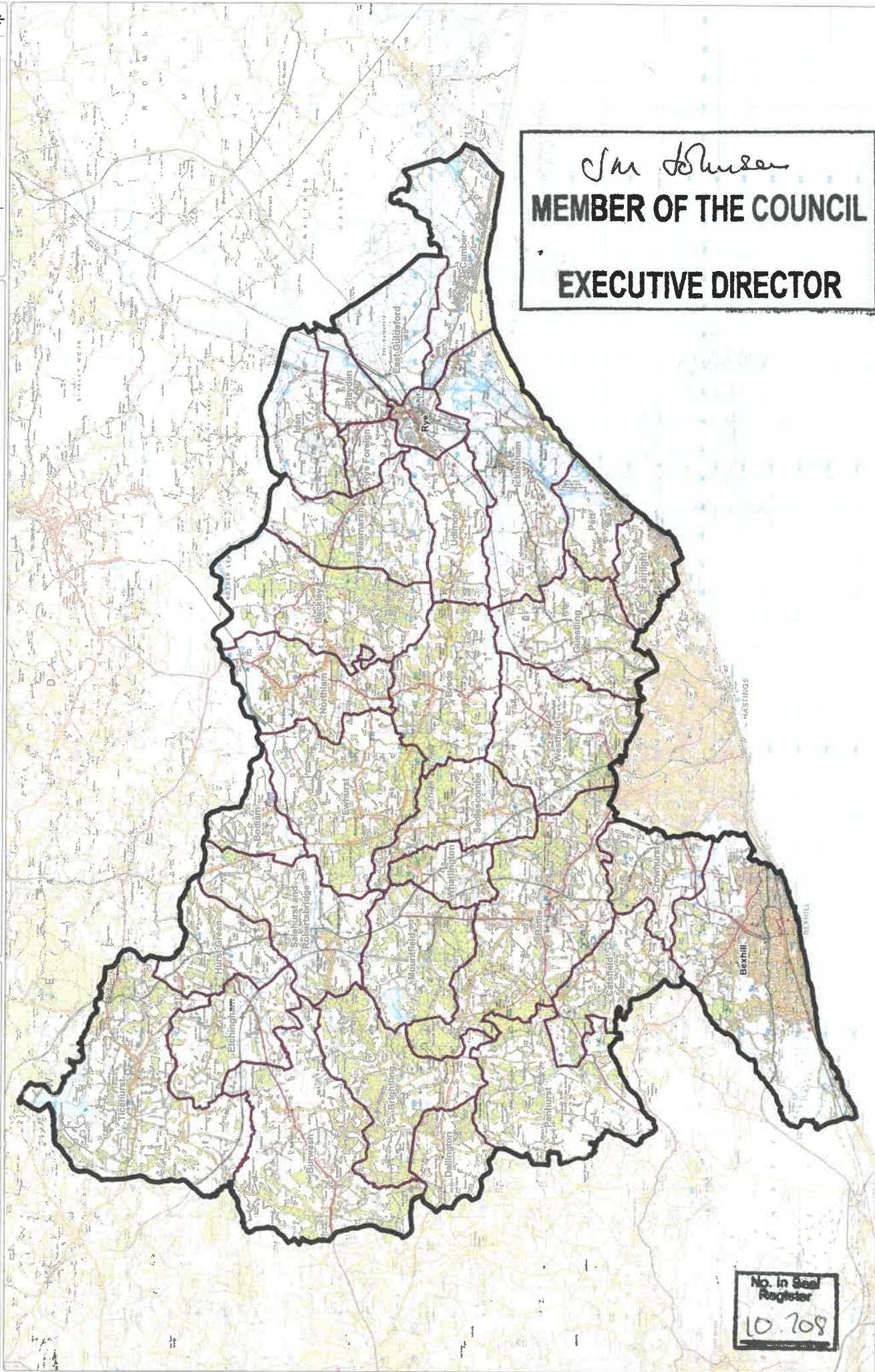


J M Shinden
MEMBER OF THE COUNCIL
[Signature]
EXECUTIVE DIRECTOR

No. in Serial Register
10.708



Jim Hunter
MEMBER OF THE COUNCIL
EXECUTIVE DIRECTOR



Jan Hansen
MEMBER OF THE COUNCIL
EXECUTIVE DIRECTOR

No. in Seal
Register
10.708

