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This consultation period from 7 August 2020 until 28 August 2020

Introduction

The Council are consulting on a variation to the (Parks and Public Places) Public Spaces Protection Order ("the Order") made on the 19 April 2017 for introduction on 19 October 2020 and which will remain in force for a period of 3 years. This will include:

Conditions in the Order which are prohibitions:

- A.** In the restricted areas a person commits an offence if without reasonable excuse they carry out activities from which they are prohibited namely
- i. Drinking alcohol (other than in premises licensed for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person**
 - ii. Being under the influence of controlled drugs and/or other psychoactive substance**
 - iii. Spitting saliva or a product from the mouth onto the ground or street furniture**
 - iv. The placing of any type of food source in a street to either feed or attract birds or vermin**
 - v. Using powered vehicles (other than on a highway or road) such as motor-cycles without the express consent of the Council**
 - vi. No person or organisation shall, except with the written permission of Hillingdon Council, use parking spaces within a designated public spaces car park for the purpose of instructing learner drivers in any manoeuvres**
 - vii. Using remote controlled model vehicles and aircraft that is likely to cause nuisance from noise or cause harassment, alarm or distress to another person, without the express consent of the Council**
 - viii. Using drones and small unmanned aircraft (SUA) of any mass without the express consent of the Council (condition to apply to the parks and open spaces set out in Annex 1 to this order)**
 - ix. To encamp (with or without a vehicle) without the express consent of the Council**
 - x. Lighting or being in control or responsible for an activity involving a fire, barbecue or fireworks without the express consent of the Council**
 - xi. Having more than four dogs in a person's sole charge, for non commercial purposes. Having more than six dogs in a person's sole charge for commercial purposes without a licence**
 - xii. Leaving the engine of a stationary or parked vehicle running.**
 - xiii. Being verbally abusive to any person or using foul language or behaving in a way which causes or is likely to cause harassment, alarm or distress to another person**



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- xiv. **Being engaged in the collection or soliciting of money by way of requesting personal information that causes harassment, alarm or distress to another person**
- xv. **Being engaged in the act of begging for food or money that causes harassment, alarm or distress to another person.**
- xvi. **Urinating or defecating in a public space except in a premise designed for the purpose**
- xvii. **Use any device designed or adapted for detecting or locating any metal or mineral on or in the ground without the express consent of the Council**
- xviii. **Engage in any type of fishing or dredge or remove any material from any park or open space without the express consent of the Council**

Conditions in the Order which are requirements:

- B. In the restricted areas a person commits an offence if without reasonable excuse they fail to comply with any activity that they are required to undertake namely;**
 - a. Hand over immediately any alcohol, whether in an open or closed container, when required to do so by an authorised person who believes that the person has consumed, is consuming or intends to consume alcohol in breach of the prohibition at (a)i above**
 - b. Leave an park at the designated closing time or when required to do so by an authorised officer , if appropriate extinguish a fire and/or barbecue or firework, removing all waste and/or associated items for safe disposal**
 - c. Remove forthwith dog faeces left by any dog which at the time the person is in charge of or responsible for**
 - d. Place a lead on a dog (which at the time the person is in charge of or responsible for) when the dog is on a pavement by a road (within 3 metres of a carriageway) or when required to do so by an authorised officer**
 - e. Ensure that any dog (which at the time the person is in charge of or responsible for) having entered a children's play area, leaves that play area forthwith**
 - f. Leave the area when required to do so by an authorised officer and not return within 48 hours**

Notes relating to condition (b) iii - placing faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land under requirement (b) iii above; being unaware of the defecation or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces; this requirement does not apply if the person is a registered assistance dog owner.

In the restricted areas any person who continues drinking alcohol having been required to desist by an authorised officer under condition (A) i above or fails to hand over any alcohol in



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his or her possession when required to do so by an authorised officer under condition (B) a above commits an offence under section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.

A person who fails without reasonable excuse to comply with conditions (A) ii to xi or (B) b to f above commits an offence under section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

Schedule of the restricted areas:

"Park" means all Parks and Open Spaces that are managed, owned or under the control of The London Borough of Hillingdon.

"Public Place" means all land in the open air (including any park, open space, street or highway) owned maintained or managed by the Council.

Definitions:

For the purpose of this Order, the following definitions will apply:

1. Alcohol - this has the meaning given by Licensing Act 2003 s191.
2. Controlled Drugs - this has the meaning given by Parts I, II, III and IV of [Schedule 2 to the Misuse of Drugs Act 1971](#) and in Schedule 1,2,3,4, or 5 of the Misuse of Drugs Regulations 2001, unless prescribed by a medical practitioner. The legislation regarding Controlled Drugs is subject to change and current information regarding Controlled Drugs can be found at www.dh.gov.uk.
3. Psychoactive Substances - this has the meaning given by Psychoactive Substances Act 2006 section 2(2).
4. Product - means an article or substance that is manufactured or refined for sale.
5. Street furniture - means objects placed or fixed in the street for public use, such as post-boxes, road signs, and benches.
6. Food source - means any substance containing nutrients, such as carbohydrates, proteins and fats that can be ingested by a living organism and metabolized into energy and body tissue.
7. Powered vehicles - mobility scooter and other forms of powered mobility devices for the disabled are excluded.

General

An authorised officer means a Local Authority Employee, a person designated by the Local Authority, a Police Officer or Police Community Support Officer. The Council is satisfied that the conditions set out in sections 59, 64 & 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 areas. The Council makes the order because anti social behaviour in the restricted areas has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed in this order. If any "interested person" desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.



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PSPOs work by imposing conditions on the use of the area so that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

A local authority can make a Public Spaces Protection Order on any public space within its own area. The definition of public space is wide and may include any place to which the public has access as of right or by permission.

Breach of the Order is a criminal offence, subject to a fixed penalty notice of £100 or prosecution. On summary conviction an individual would be liable to a fine of up to £1,000.

Have your say

Should you wish to make a representation you must do so in writing within the 21 day consultation period which shall commence on **7 August** until midnight on **28 August 2020**.

The Council would like to have your views and feedback on the variation of the Order. Please go to the consultation questionnaire using the link below:

[[Insert link here](#)]

Representations received after 28 August 2020 will not be considered.

Contact details

You can send your feedback to the email and postal address below.

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