

**CABINET
SEPTEMBER 2020**

Appendix A

**PUBLIC SPACES PROTECTION ORDER 2016 – DARTFORD TOWN
CENTRE**

Anti-social Behaviour, Crime and Policing Act 2014

1. Notice is hereby given that Dartford Borough Council ("the Council") hereby makes the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"). The Council has complied with the statutory requirements of Section 72 of the Act and undertaken the necessary consultation.
2. The Order may be cited as The Dartford Borough Council Public Spaces Protection Order - Dartford Town Centre.
3. The Order takes effect on [date to be inserted following assessment of consultation responses] and will remain in force for three years thereafter.
4. This Order applies to the land described in Schedule 1 ("the Restricted Area") and as shown edged red on the attached plan ("the Order Plan").
5. The effect of the Order is to prohibit and/or restrict the activities listed in this Order and to impose specific positive requirements.
6. The Council is satisfied that the activities listed in this Order have been carried out within the Restricted Area and that they have a detrimental effect on the quality of life of those in the locality. The effect of the activities is of a persistent or continuing nature and is such as to make the activities unreasonable and justifies the prohibitions, restrictions and requirements imposed by this Order.

7. **Intoxicating substances**

'intoxicating substances' means substances with the capacity to stimulate or depress the central nervous system (i.e. illegal drugs or psychoactive substances (the latter being commonly referred to as 'legal highs'))

Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use (human and animal), including prescription medication, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food and/or health and safety legislation.

- i. Persons within the Restricted Area will not ingest, inhale, inject, smoke, process or otherwise use intoxicating substances.
- ii. Persons within the Restricted Area will not have in their possession any open containers of intoxicating substances.
- iii. Persons within the Restricted Area will not have any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking

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substances other than e-cigarettes and needles (save for those packaged and sealed by the manufacturer and stored in a hard case).

iv. Persons within the Restricted Area will not sell or supply intoxicating substances.

8. Use of motor vehicles

'highway' has the meaning given by section 328 of the Highways Act 1980

'motor vehicle' means a mechanically propelled vehicle, intended or adapted for use on roads as defined in Section 185(1) of the Road Traffic Act 1988 and Section 136(1) of the Road Traffic Regulation Act 1984

'keeper' in relation to a motor vehicle means the person by whom the vehicle is kept at the time when the offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper

'registered keeper' in relation to a registered vehicle, means the person in whose name the vehicle is registered

'registered vehicle' means a motor vehicle which is for the time being is registered under the Vehicle Excise and Registration Act 1994

Exemptions will apply to service vehicles for the purpose of maintenance and repair of the Restricted Area, mobility vehicles being used by disabled persons, disabled blue badge holders and to persons with lawful permission to use any part(s) of the Restricted Area.

- i. Persons will not enter the Restricted Area in motor vehicles between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of engaging in motor vehicle displaying and racing.
- ii. Persons will not gather in the Restricted Area with others between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of preparing motor vehicles for racing or preparing motor vehicles for displaying or racing.
- iii. Persons will not attend or gather in the Restricted Area between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of watching motor vehicles being displayed or raced.
- iv. Persons will not congregate and loiter in groups and engage in behaviour which is likely to cause harassment, alarm or distress between the hours of 8p.m and 6a.m. Monday to Sunday.
- v. Any person being a keeper will not perform any of the following activities in the Restricted Area between the hours of 8p.m and 6a.m Monday to Sunday:
 - (a) revving of engine(s) (as to cause a nuisance);
 - (b) repeated sudden and rapid acceleration (as to cause a nuisance);

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- (c) racing;
- (d) performing stunts (as to cause a nuisance);
- (e) sounding horns (as to cause a nuisance);
- (f) playing music in a motor vehicle (as to cause a nuisance);
- (g) using threatening, intimidating behaviour towards another person.

9. Alcohol

At all times, persons will not consume alcohol or have an open alcohol container in the Restricted Area, unless subject to the exemptions listed in Schedule 2.

10. Other forms of anti-social behaviour

At all times, persons will not in the Restricted Area:

- i. litter;
- ii. urinate or defecate (unless in a toilet facility);
- iii. swear, shout, or act in a threatening manner;
- iv. act in a manner that is causing or is likely to cause, harassment, alarm or distress.

11. This Order imposes the following positive requirements:

'authorised officer (s)' means a police officer, police community support officer or an authorised Council officer

Persons within the Restricted Area will, on the request of an authorised officer(s):

- i. surrender any open containers of intoxicating substances in their possession;
- ii. surrender to the authorised officer(s) any item used to assist in the taking of intoxicating substances and comply immediately with the authorised officer(s) reasonable request to secure safe disposal of any needles in their possession not sealed and stored, as referred to in paragraph 7(iii.) above;
- iii. cease and remove any obstruction from the highway, whether moving or stationary, including driving in convoy;
- (iv) cease consuming alcohol (or anything which the authorised officer(s) reasonably believes to be alcohol) and surrender to the authorised officer(s), any open containers of alcohol in their possession.

12. Offences

- i. Failure, without reasonable excuse, to comply with a prohibition or restriction imposed by paragraphs 7, 8, 9 and 10 or to comply with a requirement of an

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authorised officer(s) under paragraphs 11.i, 11.ii and 11.iii of this Order, is a summary offence under Section 67 of the Act. A person guilty of an offence under Section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.00.

- ii. Failure to comply with a requirement of an authorised officer(s) under paragraph 11.iv of this Order, is a summary offence under section 63 of the Act. A person guilty of an offence under Section 63 is liable on summary conviction to a fine not exceeding level 2 on the standard scale or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.00.

The Common Seal of **The Dartford Borough Council**

was hereunto affixed in the presence of:

Head of Legal Services

Made this xxx day of xx 2017

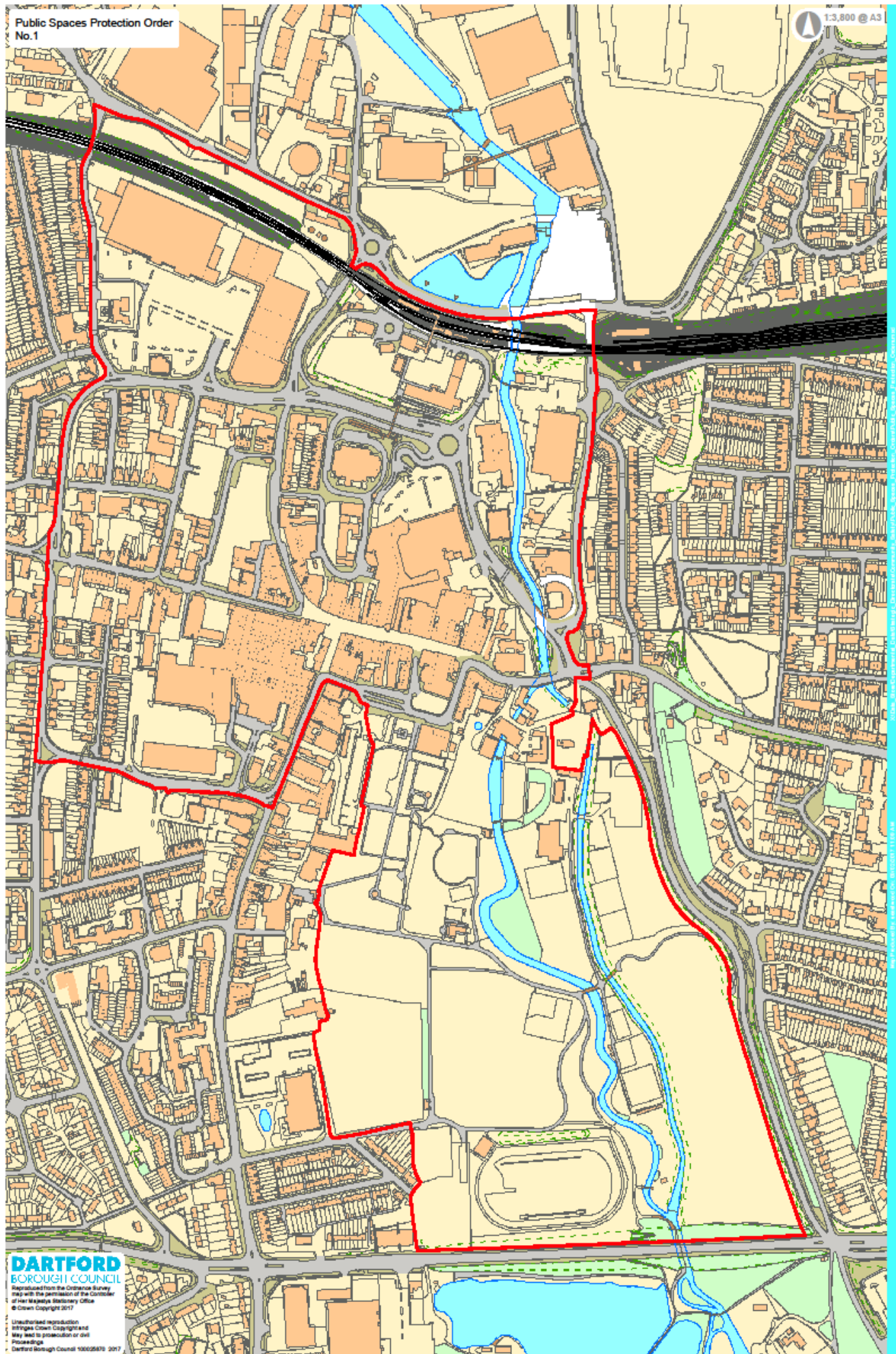
SCHEDULE 1 – Restricted Area

The land identified by the map below being the areas to which this Order applies includes the following

Dartford Town Centre, including the former Westgate Multi-storey Car Park and [Bullace Lane, Copperfields, Cranford Road, Essex Road, High Street, Highfield Road, Home Gardens, Hythe Street, Instone Road, Junction Road, Kent Road, Lower Hythe Street, Lowfield Street, Market Place, Market Street , Orchard Street, Overy Street , Priory Centre, Priory Road, Prospect Place, Providence Place , Spital Street, Spring Vale, St James's Place, Station Approach Road, Suffolk Road, Victoria Road , West Hill, Westgate Road, Woodin Close]

ORDER MAP

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SCHEDULE 2

1. The prohibition on alcohol in paragraph 9 of this Order does not apply to:
 - (a) Premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) A place within the curtilage of premises within paragraph (a) or (b);
 - (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
 - (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s115 of the Highways Act 1980 (highway-related uses).

2. The prohibition on alcohol in paragraph 9 of this Order does not apply to council-operated licensed premises or land:
 - (a) When the premises or land are being used for the supply of alcohol; or
 - (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.

CHALLENGING THE VALIDITY OF THE ORDER

“interested person” means an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area

An interested person may apply to the High Court to question the validity of –

- (a) this Order, or
- (b) a future variation of this Order.

An interested person may apply to the High Court within six weeks from the date on which the Order is made, on the grounds that:

- (a) the Council did not have the power to make the Order or variation, or to include particular prohibitions, restrictions or requirements imposed by the Order (or by the Order as varied);
- (b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.