

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by Wycombe District Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ('the Act').

1. This Order relates to the land described in paragraph 1 of the Schedule below and defined by the blue border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies.
2. The Council is satisfied that the 2 conditions below have been met, in that:
 - a. Activities carried out in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried out in the public place and that they will have such an effect. The said activities being:
 - 1) The consumption of alcohol or having an open container of alcohol and acting in an anti-social behaviour manner at any time.
 - b. That the effect, or likely effect of the activities described above 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 justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following prohibition at all times:
 - a) In the restricted area any person who continues to carry out the following activities from which they are prohibited commits an offence:
 - 1) Consuming alcohol or being in the possession of an open container of alcohol and be acting in an anti-social behaviour manner.
4. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.

5. A person guilty of an offence under conditions 3. (a.1) above, under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice of a maximum of £100.

THE SCHEDULE

The restricted area shown edged in blue on the map attached hereto.

APPEAL

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. 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 the 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, for instance consultation, 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 the Order, quash it, or vary it.

Dated 1 February 2017