

London Borough of Barnet

Borough-wide Public Spaces Protection Order - Number 1 of 2022

Anti-Social Behaviour, Crime and Policing Act 2014

This draft order may be cited as the London Borough of Barnet Borough-wide Public Spaces Protection Order - Number 1 of 2022.

The London Borough of Barnet in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following order:

1. This order shall commence into operation **from 00.01hrs Monday 12th December 2022 and ends on 23.59hrs Monday 8th December 2025.**
2. This order relates to any public place to which the public, or any section of the public, has access to in the whole of the London Borough of Barnet as shown on the attached borough map (the Restricted Area).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that activities have been carried out in the restricted area that 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 likely to be of a persistent and continuing nature, and such as to make them unreasonable, and justifies the restrictions imposed by this order.



THE RESTRICTED AREA

This Public Spaces Protection Order applies to all public places within the 'Restricted Area' as delineated with the red line on the map below.



THE PROHIBITIONS

Prohibition 1:

Any person who, without reasonable excuse, continues consuming alcohol (or anything reasonably believed to be alcohol) in the restricted area when asked not to do so by an Authorised Officer, Police Officer or a Police Community Support Officer, commits an offence. Any person who, without reasonable excuse, fails to surrender any alcohol in their possession (or anything reasonably believed to be alcohol) when asked to do so by an Authorised Officer, Police Officer or a Police Community Support Officer commits an offence.

Prohibition 2:

Any person who, without reasonable excuse, behaves in a manner that causes, or is likely to cause, harassment, alarm, or distress to any person(s) commits an offence. Examples of such behaviour include use of offensive, threatening or abusive language.

Prohibition 3:

Any person in charge of a dog at the time, who, without reasonable excuse, fails to remove the dog's faeces immediately from land in the restricted area and dispose of it suitably, commits an offence.

It is not a reasonable excuse to not have a suitable means for collecting the faeces.

Please note the council permits the disposal of dog fouling waste in all of Barnet's street based litter bins.

Exemptions: This prohibition is not to be enforced against any person with a disability that affects their mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, and those persons who are in charge of an assistance dog trained by a relevant charity.

Prohibition 4:

- a. Any person who exercises more than 6 dogs (whether the dogs are on leads or not) at any one time in the restricted area, commits an offence.**
- b. Any person who fails to put a dog(s) on a lead when instructed to do so by an Authorised Officer, Police Officer or a Police Community Support Officer, commits an offence.**

Exemptions: This prohibition is not to be enforced where a professional or personal dog handler has written dispensation from the Barnet Community Safety Team. This dispensation is not a licence and can be withdrawn by the Community Safety Team if the owner or handler is subject of public complaints of unsafe dog handling. Please email BarnetCST@Barnet.gov.uk for more information.

Prohibition 5:

Any person who urinates, defecates or spits in the restricted area, without reasonable excuse, commits an offence.

Prohibition 6:

Any person who actively or aggressively begs for money by approaching anyone asking for money or asking for money whilst blocking anyone's free access to a business or cash point commits an offence.

Prohibition 7:

Any person who drives or rides any motorised vehicle on or in a park or public green space in the borough without permission from Barnet Council commits an offence. Any person failing to immediately stop doing so when asked to by an Authorised Officer, Police Officer or a Police Community Support Officer commits an offence.

Prohibition 8:

Any person who lights a firework in any public space in the restricted area commits an offence unless that person, or organisation, has a licence from Barnet Council permitting this to happen in that location.

Prohibition 9:

Any person who builds or attempts to build, or starts or attempts to start, a fire or barbecue in any public spaces in the restricted area commits an offence, unless it has been agreed in writing and in advance by Barnet Council, or is using a facility provided for this by Barnet Council.

Prohibition 10:

Any person who promotes any music event (in any way, including flyposting and handing out leaflets), or encourages other person(s) to do so, or is involved in running any music event which is not licensed by Barnet Council, commits an offence.

Prohibition 11:

Any person who, without reasonable excuse, uses, shares, or supplies others with any psychoactive substances (including Spice, nitrous oxide gas canisters, and other substances known for legal highs) or marijuana/weed, in any public place within the restricted area, commits an offence.

Any person who is in possession of any drug paraphernalia (including cannabis grinders or crack cocaine pipes), in any public place within the restricted area, without reasonable excuse, commits an offence.

Exemptions: The prohibition is not to be enforced where a person has a prescribed medical need for personal medication for example an Epinephrine injector (Epipen).

PENALTIES

A person who commits an offence under this PSPO under Prohibition 1 shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. A fixed penalty notice may be issued as an opportunity to discharging any liability to conviction for the offence.

A person who commits an offence under this PSPO under Prohibitions 2 to 11 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. A fixed penalty notice may be issued as an opportunity to discharging any liability to conviction for the offence.

DEFINITIONS

Authorised Person – means a person authorised by the London Borough of Barnet (Barnet Council) for the purposes of enforcing Public Spaces Protection Orders, and who must be able to present their authority if it is requested.

Police officer or PCSO – A police officer or Police Community Support Officer of the Metropolitan Police Service

The Act – The Anti-Social Behaviour, Crime and Policing Act 2014

Restricted Area – This Public Spaces Protection Order applies to all public places within the 'Restricted Area' as delineated with the red line on the map attached to this order.

Take note: Relevant London Local Authority Act (LLA) 2004 powers:

Section 26 Provision of information to authorised officer

(1) This section applies where an authorised officer of a borough council has reasonable grounds for suspecting that any offence in respect of which the council may prosecute legal proceedings has been committed or attempted, or is being committed or attempted.

(2) If, on being requested by the authorised officer to furnish his name and address for service of a summons or fixed penalty notice, the relevant person

- (a) fails to furnish a name; or
- (b) furnishes a false name; or
- (c) furnishes a false address,

the relevant person shall, unless the authorised officer failed to produce his authorisation on making the request, be guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(3) In this section "the relevant person" means any person whom the authorised officer has reasonable grounds to suspect of having committed or having attempted to commit the offence or being in the course of committing or attempting to commit it.

[(4) In this section "authorised officer" includes any person who is authorised in writing by a borough council to enforce any enactment which gives rise to a criminal offence.

No such person shall require any further authorisation under this Act for the purposes of this section.]

Section 29 of the LLA Act 2004 Obstruction of authorised officer

Any person who intentionally obstructs any authorised officer acting in the exercise of his powers under this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

For further enquiries you can write to: Barnet Community Safety Team, London Borough of Barnet, 2 Bristol Avenue, Colindale, Barnet, NW9 4EW or email BarnetCST@Barnet.gov.uk