

## LONDON BOROUGH OF ENFIELD

### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

#### PUBLIC SPACES PROTECTION ORDER NUMBER 1 of 2021 (the "ORDER")

#### THE WHOLE AREA OF THE LONDON BOROUGH OF ENFIELD

This Order may be cited as the London Borough of Enfield, Public Spaces Protection Order Number 1 of 2021.

The London Borough of Enfield exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on 4 February 2021 and shall have an effect for 3 years thereafter, unless extended by further Order under the Council's statutory powers.
2. This Order relates to the whole borough of the London Borough of Enfield, as shown edged orange on the attached plan in Appendix 1 ("the designated area").
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area:
  - a) The consumption of alcohol
  - b) The holding or fireworks to intimidate others or cause nuisance, alarm or distress, or the throwing of fireworks.
  - c) Intimidatory begging
  - d) Prostitution
  - e) The riding of mopeds causing, or likely to cause, alarm, distress or annoyance to members of the public or cause criminal damage by their use.
  - f) Failure to pick up dog faeces and appropriately dispose of it, and failure to have suitable means of picking up dog faeces

These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.

4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

#### **PROHIBITIONS:**

##### **Consumption of alcohol:**

1. Person(s) within the designated area shall not consume alcohol, or anything which the authorised person reasonably believes to be alcohol, if requested to stop by an Authorised Person.

2. Exemptions shall apply in cases where the consumption of alcohol is on premises or public space licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of Part III of the London Local Authorities Act 1990 (tables and chairs licences)
3. Person(s) who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 2 above) immediately surrender if requested in accordance with the requirements under section 63(2), alcohol, or anything which the authorised person reasonably believes to be alcohol, in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act.

**The holding or fireworks to intimidate others or cause nuisance, alarm or distress, or the throwing of fireworks:**

4. Person(s) within this area shall not hold fireworks such as to intimidate others or cause nuisance, alarm or distress, or throw fireworks.

**Intimidatory Begging:**

5. No person shall beg in a manner reasonably perceived to be intimidating, aggressive or causing nuisance, or pose a risk to their safety or the safety of others, unless he has a reasonable excuse for doing so; or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

**Prostitution:**

6. Person(s) shall not loiter, solicit or engage in the provision of sexual services, or engage, loiter or solicit with a view to engaging in obtaining sexual services in the designated area.

**Riding of mopeds to cause alarm etc.**

7. Person(s) shall not ride a moped in such a manner as to cause, or likely to cause, alarm, distress or annoyance to members of the public or cause criminal damage by their use.

**Failure to pick up dog faeces and appropriately dispose of it, and the requirement to have a suitable receptacle available to pick up dog faeces:**

8. If a dog defecates at any time in the designated area, a person who is in charge of the dog at that time must have with him an appropriate means to pick up dog faeces deposited by that dog and remove the faeces from the land forthwith and appropriately dispose of it, unless he has a reasonable excuse for failing to do so; or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation to have appropriate means of picking up dog faeces is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), 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.

Nothing in this article applies to

- (a) a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) a person who has a disability which affects that person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

**AUTHORISED PERSONS:**

An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

**FIXED PENALTY NOTICES AND OFFENCES:**

- 1. It is an offence for a person without reasonable excuse to engage in any activity that is 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 by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
- 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 on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

**APPEALS:**

- 1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

**APPENDIX 1:**

A plan of the London Borough of Enfield, showing the designated area edged in orange.

Given under the Common Seal of  
the London Borough of Enfield  
On the

.....<sup>30<sup>th</sup></sup>.....day of.....June.....2021

**THE COMMON SEAL of the  
COUNCIL**

Was hereunto affixed  
In the presence of:



*[Handwritten Signature]*.....Authorised Officer

Director of Law &  
Governance.....Designation

