

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Waterlooville Precinct Public Space Protection Order

Havant Borough Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Havant Borough Council Waterlooville Precinct Public Space Protection Order and shall come into force on 9th April 2018 unless the Council extends or varies this order before it has expired, it shall expire on 1st February 2021.
2. This Order covers the following controls:
 - a. Exclusion of feeding pigeons in the area outlined within Waterlooville Precinct in Schedule A below.
3. This Order applies to the land described in Schedule A in this Order, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "restricted area".
4. In this Order, "an authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes the Order on the basis it is satisfied that, without these controls, the activity likely to be carried out in the restricted area will continue having a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.
6. The Council may extend, vary or discharge this Order at any time. Varying the Order includes increasing or reducing the restricted area.

The Offence

1. A person shall be guilty of an offence if, at any time, he/she deposits feed which is edible to pigeons, (including seeds, bread and grains), without reasonable excuse, within the designated area outlined in Waterlooville Precinct.

Penalty

1. As the offence would be breach of a public space protection order, the council may issue a fixed penalty notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty. This fixed penalty will be set at £80.

2. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
3. An authorised officer of the Council may issue a fixed penalty notice to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it coming in to force. An interested person is someone who lives in, regularly works in, or regularly visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the order, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, 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 this day of 2018

