

The Anti-social Behaviour, Crime and Policing Act 2014 Public Spaces Protection Order (Epsom & Ewell Borough Council) 2018 No. 1

Epsom & Ewell Borough Council is satisfied that drinking in public places is being carried on within the area to which this Order applies and this activity is having a detrimental effect on the quality of life of those in the locality or it is likely that this activity will be carried out and it is likely to have, a detrimental effect on the quality of life of those in the locality, and it therefore makes this Public Spaces Protection Order covering the matters set out below.

This Order relates to all that land described in Schedules 1 to 3 ("the Restricted Area") to include all roads, pavements, footways, footpaths, bridleways and pedestrianised areas within that area.

The activities set out in this Order are prohibited or required only where an authorised person requires a person to stop the activity or requires that person to do something set out in this Order.

The activities which are prohibited or required by this Order are:

1. Drinking in a public place

All persons are prohibited from drinking alcohol within a public place. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or s115E of the Highways Act 1980.

Where an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of this Order; or
- b) intends to consume alcohol in circumstances which would be a breach of this Order

the authorised person can require the person:

- i) not to consume alcohol or anything which the authorised person reasonably believes is alcohol in breach of this Order; and
- ii) to surrender anything in the person's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.

2. An authorised person who imposes a requirement under paragraph 1(b)(i) or 1(b)(ii) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

3. A requirement imposed by an authorised person under paragraph 1(b)(i) or 1(b)(ii) is not valid if the authorised person:

- (a) is asked by the person to show evidence of his or her authorisation, and

(b) fails to do so.

4. An authorised person may dispose of anything surrendered under paragraph 1(b)(ii) in whatever way he or she thinks appropriate.

5. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under paragraph 1(b)(i) or 1(b)(ii) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

6. Definitions

Alcohol has the meaning given by section 191 of the Licensing Act 2003.

Authorised person means a constable or a person authorised in writing by Epsom & Ewell Borough Council.

Public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

7. This Order shall come into effect on 24th December 2018.

8. This Order shall have effect for a period of 3 years.

The Common Seal of Epsom & Ewell Borough Council was affixed in the presence of:

Schedule 1 - Epsom

- Albert Road, Alexandra Recreation Ground, Alexandra Road, Andrews Close, Ashley Avenue and Ashley Road
- Bridle End, Bridle Road and Burgh Heath Road
- Cedar Close, Chase Road, Church Road, Church Street, Clayton Road, College Road (from Church Road to Alexandra Road), Copse Edge Avenue and Court Recreation Ground
- Delaporte Close, Depot Road, Derby Square (also known as Epsom Square) and Downs Road

- East Street, Eastway and Elizabeth Welchman Gardens
- Farriers Close, Farriers Road, footpath between Chase Road/Temple Road junction and the footpath at 61 Waterloo Road, footpath between East Street and Waterloo Road, footpath between Hook Road and Temple Road, footpath between Pound Lane and Waterloo Road
- Gosfield Road, Grove Avenue and Grove Road
- Hawthorne Place, Hazon Way, High Street, Hook Road (from East Street to Pound Lane), Horsley Close (from Hazon Way to Waterloo Road) and Horton Footpath
- Leith Road, Linden Place, Lintons Lane and Lower Court Road
- Maidenshaw Road, Manor Green Road (from Lower Court Road to Upper Court Road) Middle Close, Middle Lane and Mounthill Gardens
- Pikes Hill, Pitt Place, Pitt Road, Portland Place, Pound Lane and Prospect Place
- Randolph Road, Rosebery Avenue and Rosebery Park
- South Street, Station Approach, Stevens Close, St Martin's Close and Stones Road
- Temple Road, The Croft, The Oaks Square, The Parade, Tintagel Close and Treemount Court
- Upper Court Road, Upper High Street
- Victoria Place
- Waterloo Road, West Street (from Station Approach to South Street), Wimborne Close, Winter Close (including the children's play area), Worple Road (from The Parade to Church Street), Wyeths Road and Wyeths Mews

Schedule 2 – Ewell

- Bourne Hall Gardens
- Chessington Road (from Spring Street to Kingston Road)
- Gibraltar Recreation Ground
- High Street
- Kingston Road (from High Street to Ewell By-Pass)
- Spring Street
- The Grove
- West Street

Schedule 3 – Langley Vale

Langley Vale including the following roads and all footpaths and areas in between:

- Beaconsfield Road
- Grosvenor Road
- Harding Road
- Langley Close
- Mannamead, Mannamead Close and Millers Copse
- Rosebery Road
- Saddlers Way, Spencer Close, Stable Close and Strand Close
- The Hayes and The Warren
- Vale Close
- Warren Recreation Ground

Appeals

In accordance with section 66 of the Anti-social Behaviour, Crime and Policing Act 2014 ("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 any requirement of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made. An interested person is an individual who lives in the Restricted Area or who regularly works or visits that area.