

The Broadway, Debden Public Spaces Protection Order (PSPO)

Epping Forest District Council (in this order called “the Council”) hereby makes the following order under section 59 of The Anti-Social, Behaviour, Crime and Policing Act 2014.

The Order comes into force on the 08 January 2024 for a period of 3 years until the 08 January 2027.

It applies to the public spaces formed by the areas within Debden (“The Restricted Areas”) which are shown red on the plan attached to the Order.

Under section 74 (1) of the 2014 Act, “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.

The Council is satisfied that activities have been carried out in the Restricted Areas which have had a detrimental effect on the quality of life of those in the locality.

Further, it is satisfied that the effect of the activities is or is likely to be of a persistent or continuous nature, is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council therefore under section 59(4) prohibits within the Restricted Area:

- (i) Loitering by persons in council housing blocks and estates (including but not limited to any stairwell, lobby area, and communal balconies) causing nuisance, intimidation, harassment, alarm or distress or using or dealing drugs directly or indirectly causing damage or other ASB. For the purposes of this PSPO the term “loitering” shall include (without prejudice to the generality of its ordinary meaning) the actions of standing sitting, or lingering (i) aimlessly or without an obvious reason; or (ii) for the purpose of begging, drug taking, or drug dealing.
- (ii) Any person in possession of an open vessel(s) of alcohol / intoxicating liquor in a public place
- (iii) Any person sitting or loitering on the highway or any pedestrian area of the Restricted Area demanding or begging or perceived to be begging by an authorised person for money or any other item, whether placing any item before them for receipt of money or otherwise.
- (iv) Any person flyposting (including the unlawful affixing of any placard, notice or sign to street furniture) or any person permitting and / or benefitting from such flyposting.
- (v) Any person using a skateboard, bicycle, scooter, skates or any other self-propelled wheeled vehicle in such a manner as to cause damage to property or that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance or annoyance to any person.

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this order is a summary offence under section 67 of the 2014 Act, except in respect of the prohibition relating to the consumption of alcohol. Under section 63 of the 2014 Act, where a constable or an authorised person reasonably believes that a person is consuming alcohol in

breach of a prohibition or intends to do so they may require that person cease consuming alcohol in breach of the PSPO and to surrender the alcohol or container for alcohol. Failure to comply with any such requirement is a criminal offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale (currently £500).

Any person guilty of an offence under sections 67 is liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under section 68 of the 2014 Act issue a Fixed Penalty Notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this order. Persons who breach this order, shall when ordered to do so by an authorised person disperse either immediately or by such time as directed.

Appeals

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 this order on two grounds: that the Council did not have power to make the order, or to include prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with. Where 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 can uphold the order, quash it, or vary it.

