

FINAL DRAFT 08.04.21



**The Anti-social Behaviour, Crime and Policing Act 2014
The Public Spaces Protection Order (No 3) – Waverley Borough Council 2021**

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met Waverley Borough Council (the Authority) hereby makes the following Order.

This Order comes into effect on (enter date) 2021 for a period of 3 years, unless extended by further order under the Council's statutory powers.

Sections A to C of this Order relate to the 'Restricted Area' known as Godalming area as defined by the area marked in red on the attached plan at Appendix 1

Section D of this Order relates to all Waverley Borough Council owned and managed parks and open spaces [and other green / open spaces specified] within the Waverley Borough Council administrative area (the 'Restricted Areas') listed at Appendix2.

The effect of the Order is to impose the following prohibitions at all times within the relevant Restricted Area(s):

BY THIS ORDER

A Prohibition on Drinking in Public Place by Direction

1. Where an Authorised Person reasonably believes that a person is consuming alcohol or has been consuming alcohol in the restricted area and that the consumption of alcohol is, or is likely to contribute to anti-social behaviour as defined in Section C below; or where an Authorised Person reasonably believes that a person intends to consume alcohol in circumstances which would be a breach of this Order, then the Authorised Person can take the following steps:
 - I. To prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order;
 - II. To require that the person must surrender any alcohol, or anything, which the authorised person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol; and
 - III. Disposal of the alcohol may be undertaken by the Authorised Person in whatever way they consider appropriate.
2. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or Section 115E of the Highways Act 1980.

B Prohibition on use of Drugs, Psychoactive substances or other intoxicating substances

1. Where an Authorised Person reasonably believes that a person is or has been ingesting, inhaling, injecting or smoking, any substance that has the capacity to stimulate or depress the central nervous system in the Restricted Area and that the ingesting, inhaling, injecting or smoking of that substance is, or is likely to contribute

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to anti-social behaviour as defined in Section C below; or where an authorised person reasonably believes that a person intends to ingest, inhale, inject or smoke that substance in circumstances which would be a breach of this Order, then the Authorised Person can take the following steps:

- I. To prohibit the person from ingesting, inhaling, injecting or smoking, any drugs, psychoactive substances or other intoxicating substance that has the capacity to stimulate or depress the central nervous system in breach of this Order;
 - II. To require that the person must surrender any drugs, psychoactive substances or other intoxicating substances, or anything, which the Authorised Person reasonably believes to be drugs, psychoactive substances or other intoxicating substances that is in the person's possession including any container for drugs, psychoactive substances or other intoxicating substances; and,
 - III. Disposal of the drugs, psychoactive substances or other intoxicating substances may be undertaken by the Authorised Person in whatever way they consider appropriate.
2. This prohibition does not apply where:
- i. The substance is used for valid and demonstrable medicinal purpose;
 - ii. The substance is given to an animal as a medicinal remedy;
 - iii. The substance is a cigarette (tobacco) or vaporiser; or
 - iv. The substance is a food product regulated by food, health and safety legislation.

C Prohibition on Anti-Social Behaviour

1. Within the Restricted Area all persons are prohibited from:
- i. intentionally or recklessly, shouting, swearing, screaming, being verbally abusive or acting in a manner that a reasonable person would think would cause, or likely to cause, harassment, alarm or distress;
 - ii. acting or inciting others to act in an anti-social manner that a reasonable person would think is likely to cause harassment, alarm or distress.
2. The Prohibitions in this Section do not apply to any activities conducted in the public interest, including demonstrations or other activities to influence the policy of government, private sector and civil society organisations and individuals. The public interest is to be widely construed.

D Prohibition of unauthorised bonfires and BBQs on land within the Restricted Areas

1. All persons are prohibited from lighting bonfires or BBQs on land within the Restricted Areas specified without the prior consent of the Council in writing.
2. Where a bonfire or BBQ is permitted at a site, all persons are prohibited from leaving that bonfire or BBQ unattended whilst alight and shall completely extinguish that bonfire or BBQ before leaving the fire site.

INTERPRETATION

For the purposes of the above prohibitions, an 'Authorised Person' means a Constable, a Police Community Support Officer or a person authorised by Waverley Borough Council.

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EXEMPTIONS

Nothing in Section A, shall apply to:

- a). Premises authorised by a premises licence to be used for the supply of alcohol;
- b). Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- c). A place within the curtilage of premises within paragraph (a) or (b)
- d). Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- e). A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under S115 of the Highways Act 1980 (highway related uses);
- f). Council-operated licensed premises- (i) When the premises are being used for the supply of alcohol, or (ii) Within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

OFFENCES

- a) In respect of the activities listed in Section A above, namely the consumption of alcohol in a public place, it is an offence if a person:
- a. Refuses to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent public nuisance or disorder;
 - b. Continues to drink, consume or otherwise ingest alcohol when asked not to do so by an Authorised Person;
 - c. Fails to surrender any alcohol in his or her possession when asked to do so by an Authorised Person;
 - d. Consumes alcohol following a verbal warning by an Authorised Person to stop;
 - e. Continues to drink alcohol when asked to stop by an Authorised Person, or;
 - f. Fails to surrender any alcohol in their possession when asked to do so by an Authorised Person.

Where a person fails to comply with a requirement to cease consuming alcohol (or anything which the Authorised Person reasonably believes to be alcohol) or does not surrender to the Authorised Person, any open containers of alcohol in their possession, they commit an offence under section 63 of the Act. A person guilty of an offence under Section 63 is liable on summary conviction to a fine not exceeding level 2 on the standard scale or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.

- b) In respect of the activities listed in Section B above, namely the use of drugs, psychoactive substances or other intoxicating substances in a public place, it is an offence if a person:
 - a. Ingests, inhales, injects, smokes or otherwise uses any drugs, psychoactive substances or other intoxicating substances;
 - b. Continues to ingest, inhale, inject, smoke or otherwise use any drugs, psychoactive substances or other intoxicating substances when asked by an Authorised Person to stop;

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- c. Fails to surrender any drugs, psychoactive substances or other intoxicating substances when asked to do so by an Authorised Person.
- c) In respect of the activities listed in Section C above, namely anti-social behaviour, it is an offence if a person:
 - a. intentionally or recklessly, shouts, swears, screams, is verbally abusive or acts in a manner to cause, or likely to cause, harassment, alarm or distress to any person.
 - b. acts or incites others to act in an anti-social manner that is likely to cause harassment, alarm or distress.
- d) In respect of the activities listed in Section D above, namely lighting bonfires or BBQ's, it is an offence if a person:
 - a. Lights a bonfire or BBQ on land owned or managed by Waverley Borough Council without the prior consent of the Council in writing.
 - b. Leaves a bonfire or BBQ unattended whilst alight;
 - c. Fails to fully extinguish a bonfire or BBQ before leaving the fire site.
- e) If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities B to D above, they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.
- f) A person will commit an offence if they incite or encourage others to commit any act prohibited by this Order'.

FIXED PENALTIES

- a) An Authorised Person may issue a fixed penalty notice (FPN) of £100 to anyone they have reason to believe has committed any of the offences as described above.
- b) A FPN is a 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 to a local authority specified in the notice.
- c) Where a person is issued with a FPN under this section in respect of an offence;
 - i) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
 - ii) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- d) A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address of the person to whom the fixed penalty may be paid and specify the permissible methods of payment.

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Appendix 1 – Restricted Area applicable to Sections A, B and C (with red boundary line)



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Appendix 2 – Restricted Areas applicable to Section D

Site Name	Locality	Town
Alfold Common	Alfold	Cranleigh
Baynards	Cranleigh	Cranleigh
Bedlow Lane open space	Cranleigh	Cranleigh
Cranleigh Common & High Street	Cranleigh	Cranleigh
Cranleigh Mead Open Space	Cranleigh	Cranleigh
Gaston Gate	Cranleigh	Cranleigh
Guildford Road	Cranleigh	Cranleigh
Guildford Road (junction Smithwood Common)	Cranleigh	Cranleigh
Guildford Road (Smithwood Avenue - Common)	Cranleigh	Cranleigh
Guildford Road (Strathavon Close)	Cranleigh	Cranleigh
Lashmere Recreation Ground	Cranleigh	Cranleigh
Lucks Green	Cranleigh	Cranleigh
Queensway	Cranleigh	Cranleigh
Queensway Allotment Gardens	Cranleigh	Cranleigh
Queensway Open Space	Cranleigh	Cranleigh
Smithwood Common Road	Cranleigh	Cranleigh
Summerlands Open Space	Cranleigh	Cranleigh
Dunsfold Common	Dunsfold	Cranleigh
Bulls Head Green	Ewhurst	Cranleigh
Downhurst Road Open space	Ewhurst	Cranleigh
Ellens Green	Ewhurst	Cranleigh
Ewhurst Green	Ewhurst	Cranleigh
Ardarth	Shamley Green	Cranleigh
Bisney Cottage	Shamley Green	Cranleigh
Grist Hill	Shamley Green	Cranleigh
Lords Hill Common	Shamley Green	Cranleigh
Norley Common	Shamley Green	Cranleigh
Shamley Green Common	Shamley Green	Cranleigh
Stroud Common	Shamley Green	Cranleigh
Blackheath Common	Wonersh	Cranleigh
Blackheath Grove	Wonersh	Cranleigh
Phillips Hatch	Wonersh	Cranleigh
Wonersh Common	Wonersh	Cranleigh
Badshot Lea Green	Badshot Lea	Farnham
Badshot Lea Orchard	Badshot Lea	Farnham
Badshot Lea Pond	Badshot Lea	Farnham
Badshot Lea Recreation Ground	Badshot Lea	Farnham
Boundstone Recreation Ground	Boundstone	Farnham
Ten Acres	Boundstone	Farnham

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Bourne Recreation Ground	Bourne	Farnham
Burnt Hill A	Bourne	Farnham
Burnt Hill B	Bourne	Farnham
Stream Farm Close/Sturt Walk	Bourne	Farnham
Compton Recreation Ground	Compton	Farnham
Abbots cottages	Dockenfield	Farnham
Abbots cottages Woodland	Dockenfield	Farnham
Bealeswood Common	Dockenfield	Farnham
Beldhams Road Open Space	Farnham	Farnham
Borelli Walk	Farnham	Farnham
Farnham Memorial Ground	Farnham	Farnham
Farnham Park	Farnham	Farnham
Farnham Skate park	Farnham	Farnham
Langham Recreation Ground	Farnham	Farnham
Laurel Grove	Farnham	Farnham
Mardens Recreation Ground	Farnham	Farnham
Middlefield	Farnham	Farnham
Morley Road Recreation Ground	Farnham	Farnham
Paradise Wood	Farnham	Farnham
Roman Way Play Area	Farnham	Farnham
Sheephouse	Farnham	Farnham
Shepherd & Flock	Farnham	Farnham
Snayles Lynch	Farnham	Farnham
St Andrews Churchyard	Farnham	Farnham
Thurbans Play Area	Farnham	Farnham
Weydon Lane Tip	Farnham	Farnham
Frensham Common & Flashes	Frensham	Farnham
Frensham Green & War Memorial	Frensham	Farnham
Peakfield Playing Field	Frensham	Farnham
Hale Recreation Ground	Hale	Farnham
Hale Reeds	Hale	Farnham
Oast House Crescent Recreation Ground	Hale	Farnham
Old Park Close	Hale	Farnham
Park View Estate	Hale	Farnham
Sandy Hill (old BMX track site)	Hale	Farnham
Sandy Hill Open Space	Hale	Farnham
Sandy Hill Top field	Hale	Farnham
Heath End Recreation Ground	Heath End	Farnham
Moons Hill Recreation Ground	Rowledge	Farnham
Rowledge Recreation Ground	Rowledge	Farnham
Runfold Recreation Ground	Runfold	Farnham
Shepherds Way	Tilford	Farnham
Tilford LNR	Tilford	Farnham
Monkton Lane (football ground)	Weybourne	Farnham

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Six Bells Allotments	Weybourne	Farnham
Six Bells Grazing land	Weybourne	Farnham
Wentworth Close Play Area	Weybourne	Farnham
Weybourne Allotments	Weybourne	Farnham
Weybourne LNR	Weybourne	Farnham
Weybourne Recreation Ground	Weybourne	Farnham
Westfield Lane	Wrecclesham	Farnham
Wrecclesham Recreation Ground	Wrecclesham	Farnham
Binscombe Open space	Binscombe	Godalming
Broad Acres	Binscombe	Godalming
Long Gore Woodland	Binscombe	Godalming
Longbourne Green	Binscombe	Godalming
Birtley Green	Bramley	Godalming
Birtley road Cemetery	Bramley	Godalming
Chestnut Way Recreation Ground	Bramley	Godalming
Rooks Hill	Bramley	Godalming
Rushett Common	Bramley	Godalming
The Coombes (woodland)	Bramley	Godalming
Elstead Green (Village Green)	Elstead	Godalming
Elstead Moat	Elstead	Godalming
Springfield Estate (inc Quillets)	Elstead	Godalming
Thursley Rd Cemetery	Elstead	Godalming
Westbrook Green	Elstead	Godalming
Broadwater Park	Farncombe	Godalming
Broadwater Park Golf Course	Farncombe	Godalming
Canon Bowings Recreation Ground	Farncombe	Godalming
Combe Rd Recreation Ground	Farncombe	Godalming
Guildford Rugby Club (Broadwater Park)	Farncombe	Godalming
St Johns the Evangelist Church	Farncombe	Godalming
The Glade Open Space	Farncombe	Godalming
The Oval	Farncombe	Godalming
Aarons Hill open space including woodland	Godalming	Godalming
Bargate Woodland	Godalming	Godalming
Burys Field	Godalming	Godalming
Crownpits Recreation Ground	Godalming	Godalming
Holloway Hill Recreation Ground	Godalming	Godalming
Home Farm Plantation	Godalming	Godalming
Lammas Lands	Godalming	Godalming
Ockford Ridge	Godalming	Godalming
Phillips Memorial Park	Godalming	Godalming
St Peter & St Pauls Churchyard	Godalming	Godalming
Hascombe Recreation Ground	Hascombe	Godalming
Amberley Copse	Milford	Godalming
Shackleford Heath Common	Shackleford	Godalming

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Mare Hill Common	Witley	Godalming
Beacon Hill Recreation Ground	Beaconhill	Haslemere
Eight Acres Woodland - West	Beaconhill	Haslemere
Eight Acres Woodland/Play area	Beaconhill	Haslemere
Tilford Road/Marchants Hill	Beaconhill	Haslemere
Chiddingfold Green	Chiddingfold	Haslemere
Chiddingfold Recreation Ground (Coxcombe Lane)	Chiddingfold	Haslemere
Hartsgrove	Chiddingfold	Haslemere
Queens Mead	Chiddingfold	Haslemere
Pathfields	Chiddingfold	Haslemere
Pathfields Close	Chiddingfold	Haslemere
Stephens Field	Chiddingfold	Haslemere
Clammer Hill	Grayswood	Haslemere
Grayswood Common - North	Grayswood	Haslemere
Grayswood Common - nr Grayswood Church	Grayswood	Haslemere
Grayswood Common - South	Grayswood	Haslemere
Grayswood Recreation Ground	Grayswood	Haslemere
St Georges Wood	Grayswood	Haslemere
Aitken house woodland	Haslemere	Haslemere
Border Road Estate Play area	Haslemere	Haslemere
Derby Rd Cemetery	Haslemere	Haslemere
Haslemere Skatepark	Haslemere	Haslemere
Haslemere War Memorial Recreation Ground	Haslemere	Haslemere
Haste Hill Common	Haslemere	Haslemere
High Lane Recreation Ground	Haslemere	Haslemere
Sandrock	Haslemere	Haslemere
Shepherd's Hill	Haslemere	Haslemere
Sicklemill Woodland	Haslemere	Haslemere
St Bartholomews Cemetery	Haslemere	Haslemere
St Bartholomew's Green	Haslemere	Haslemere
St Bartholomews Green (Church Hill Garden)	Haslemere	Haslemere
St Stephen's churchyard	Haslemere	Haslemere
Sunvale Avenue Open Space	Haslemere	Haslemere
Sunvale/Shottermill Cemetery	Haslemere	Haslemere
Weycombe Road Cemetery	Haslemere	Haslemere
Weydown Common	Haslemere	Haslemere
Woolmer Hill Recreation Ground	Haslemere	Haslemere
Woolmer Hill Woodland North	Haslemere	Haslemere
Woolmer Hill Woodland South	Haslemere	Haslemere

THE COMMON SEAL of
 WAVERLEY BOROUGH COUNCIL
 Was hereunto affixed the []

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Authorised signatory

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