



DRAFT FOR CONSULTATION – JUNE 2019

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SPELTHORNE BOROUGH COUNCIL (RIVER THAMES MOORING) PUBLIC SPACES PROTECTION ORDER 2019

This Order may be cited as the Spelthorne Borough Council (River Thames Mooring) Public Spaces Protection Order 2019.

Spelthorne Borough Council ("the Council") in exercise of its powers under sections 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:

- A. This Order shall come into operation on the xxx of xxx 2019 and shall have effect for 3 years thereafter unless extended by further orders under the Council's statutory powers.
- B. The Order relates to all Public Places adjoining the River Thames within the Borough of Spelthorne as shown edged red on the plan attached to this Order ("Restricted Areas").
- C. The Council is satisfied that the conditions set out in section 59(2) of the Act have been met: namely, that anti-social behaviour and criminal activities have been carried out within the restricted areas through the use of trespass, littering and pollution of the River. These activities have a detrimental effect on the quality of life of those in the locality.
- D. 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 the Order. In all the circumstances, the Council considers it is expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a Public Place.

BY THIS ORDER

Definitions

'Authorised Person' includes an Officer of the Council, a Police Constable, a Police Community Support Officer or such other persons authorised by the Council.

'Council' means Spelthorne Borough Council

'Interested Person' means an individual who lives in a Restricted Area or who regularly works in or visits the area.

'Public Place' under section 74(1) of the Act means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

PROHIBITIONS

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Area:
 - a. Moor a vessel without the express written permission of the landowner, or
 - b. Attach a vessel to any tree, or
 - c. Attach guy ropes to the bank in a way which in the opinion of an Authorised Person causes a trip hazard to members of the public, or
 - d. Continue to moor a vessel when asked to move it by an Authorised Person, or
 - e. Continue to secure a vessel to the bank in a dangerous way when asked to change it by an Authorised Person.
2. Persons shall not within the Restricted Area:
 - a. Store goods or chattels on the bank without the express written permission of the landowner, or
 - b. Deposit any waste material or litter on the bank, or
 - c. Enclose any area of the bank with any fence, cordon or similar device.
3. Persons shall not within the Restricted Area:
 - a. Deposit any sewage in the River Thames, or

- b. Pump out sewage otherwise than at an authorised pumping station maintained by the Council, the Environment Agency or a marina listed in Schedule 1 to this Order or
- c. Keep or use any chemical toilet on board a vessel without having the means to dispose of the sewage in a hygienic manner which will not pollute the River Thames or
- d. Fail to provide when asked to do so by an Authorised Person, written evidence that they have made suitable arrangements for the disposal of sewage in a hygienic manner which will not pollute the River Thames

Fixed Penalty Notice and Offences

- a. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
- b. In accordance with Section 67 of the Act, a person found in breach of this Order is liable to summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.
- c. An Authorised Person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. The amount of the Fixed Penalty Notice shall be £100. The penalty can be reduced if paid within 10 days otherwise the full penalty will be due. If you do not pay the penalty within 15 days, you may be prosecuted.

Appeals

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.

Schedule 1

List of authorised private marinas with pumping facilities in the Borough of Spelthorne
[TBC]

THE COMMON SEAL of SPELTHORNE BOROUGH COUNCIL

was hereunto affixed this day of 2019
in the presence of:

Michael Graham
Head of Corporate Governance