

Spelthorne Borough Council

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 4, Section 59

The Spelthorne Public Spaces Protection Order (Psychoactive Substances)

Spelthorne Borough Council ('the Council') in exercise of the power under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ('the Act') and being satisfied that the conditions set out in section 59 have been met, makes the following order.

This Order comes in force on2021 and will remain in force for a period of three years from the date unless extended by further order under the Council's statutory powers.

General

1.1 This Order applies to all land in the administrative area of Spelthorne Borough Council -

(a) to which is open to the air (including land which is covered but open to the air on at least one side);

(b) to which the public are entitled or permitted to have access (with or without payment); and

(c) which is outlined in red on the plan attached as the Schedule to this Order.

1.2 Psychoactive substance means any substance which is capable of producing a psychoactive effect in a person if by stimulating or depressing the person's central nervous system it affects the person's mental functioning or emotional state and is not included in the list of exempted substances.

1.3 'Exempted substances' are those listed in Schedule 1 of the Psychoactive Substances Act 2016 or its successor (controlled drugs, medicinal products, alcohol, nicotine, tobacco products, caffeine/caffeine products and food)

1.4 An "Authorised Officer" means a person authorised in writing by the Council to enforce, and issue fixed penalty notices under, this Order.

Offence

1. A person who fails to comply without reasonable excuse with any requirement of a constable or Authorised Officer:
 - (a) to cease consumption of a psychoactive substance (formerly known as ‘legal highs’) or anything which the constable or Authorised Officer reasonably believes to be a psychoactive substance; or
 - (b) to surrender anything in their possession which is, or which the constable or Authorised Officer reasonably believes to be, a psychoactive substance or a container for a psychoactive substance; in any area covered by the PSPO

in a public space within the Borough of Spelthorne, as specified in the Schedule to this Order.

Penalty

Any person who without reasonable excuse fails to comply with this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any Authorised Officer may issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under section 67 of the Act in relation to this Order.

The COMMON SEAL of
SPELTHORNE BROUGH COUNCIL
was hereunto affixed in the presence
of:

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Authorised Signatory

Schedule 1 – Map of Spelthorne Borough