

PUBLIC SPACE PROTECTION ORDER

Anti Social Behaviour Crime & Policing Act 2014

2019/07 – Henham Estate

East Suffolk Council (‘the Council’) in exercise of its powers under Section 59 and 72 of the Anti Social Behaviour, Crime and Policing Act 2014 (“The Act”) and under all other enabling powers makes the following Order:

1. Duration:

The Order shall come into force on Thursday 18th July 2019 and shall have effect for a period of three years thereafter, expiring on 17th July 2022 unless extended by further orders under the Council’s statutory powers.

2. The Restricted Area:

The Order applies to that part of the Henham Estate which is within the council’s administrative area (“the Restricted Area”), as shown on the attached plan (blue hatched area) to include approach roads located within the Council’s administrative area which are within a mile radius of the Henham Estate.

3. Persons to whom this Order applies:

The Order applies to all persons within the Restricted Area at all times of the day and night subject only to the exemptions set out in paragraph 6 below.

4. The Activity:

The Council is satisfied that the two conditions set out in Section 59 of the Act have been satisfied are met firstly that the possession or consumption of **psychoactive substances** also known a **legal highs** in the Restricted Area has had or is likely to have a detrimental effect on the quality of life of those in the locality and secondly that the effect of the activity is or is likely to be of a persistent or a continuing nature and is or is likely to be such as to make the Activity unreasonable and the effect justifies the restrictions imposed by this Order

5. Prohibitions:

The possession or consumption of psychoactive substances in the restricted area is forbidden

For the purpose of this order psychoactive substance means any substance which when consumed by a person is capable of stimulating or depressing a person’s central nervous system subject to the exemptions set out in paragraph 6 below .

6. Exemptions:

This order does not apply where the substances are

1. used for a valid and demonstrable medicinal use,
2. given to an animal as a medicinal remedy,
3. are cigarettes, tobacco or vaporisers or
4. are food stuffs regulated by Food, Health and Safety legislation.
5. Alcohol
6. Caffeine or caffeine products

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7. Offences

- i. Failure without reasonable excuse to comply with the prohibitions imposed by this Order, as set out at point 5 above is a criminal offence.
- ii. A person guilty of such an offence, under section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- iii. Alternatively, at the Council's discretion, a person believed to have committed an offence may be offered the opportunity to discharge liability for prosecution by paying a fixed penalty of £80.

8. APPEALS

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds the Council did not have the power to make the Order or that a requirement of 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.

The Common Seal of East Suffolk Council was hereunto affixed

In the presence of

Authorised Officers



Dated: 18 July 2019



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