

Brent Council

Public Space Protection Order

(with variations)

ANTI-SOCIAL CRIME AND POLICING ACT 2014

The London Borough of Brent, in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, will on 1 February 2023 for a duration of 3 years implement a Public Spaces Protection Order (PSPO), identifying Restricted Areas (outlined in three maps below) where the activities listed under PROHIBITIONS are prohibited and where a Police Officer, Police Community Support Officer (where accredited) or Authorised Council Officers have the power to require persons undertaking any of the restricted actions to cease forthwith.

From (time)	1201 hrs (24 hour clock) on	(date) 1 February	(year) 2023
To (time)	1159 hrs (24 hour clock) on	(date) 31 January	(year) 2026

A public spaces protection order is an order that identifies the **public place*** referred to in a **restricted area*** and (a) prohibits specified things being done in the restricted area and/or (b) requires specified things to be done by persons carrying on specified activities in that area.

***Public place** means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

***Restricted area** means the area defined to prohibit and/or act upon specified things in that area

Borough Wide

Restricted area: Outlined in the map below



PROHIBITIONS

Within the restricted area described above, the following are prohibited: -

1. Consumption of alcohol

Any person(s) who intend(s) to, is or has been consuming alcohol, without reasonable excuse. This person must;

- a. cease the consumption of alcohol immediately
- b. surrender any alcohol that the authorised officer reasonably believes to be, alcohol or a container for alcohol (this includes any sealed containers).
- c. A reasonable excuse includes: -
 - i. an area adjoining a premises which is licensed to supply and permit the consumption of alcohol.
 - ii. Another licensed area where alcohol consumption is permitted.

2. Use of illegal drugs or psychoactive substances

Any person(s) preparing to use or using illegal drugs or psychoactive substances. This person must: -

- a. cease use immediately
- b. surrender any of the drug or psychoactive substance including any paraphernalia used for the use of such drug or psychoactive substance.

Exemptions: A person in possession of a psychoactive substance who may have a lawful reason for possession, will not be subject to this prohibition.

3. Littering (urination or defecation)

Any person(s) urinating or defecating in a place other than a serviced public convenience.

4. Littering (spitting)

Any person(s) who spit(s).

5. Littering (bottles, cans, packets, food, paper, chewing gum, cigarette butts etc.)

Any person(s) who abandon(s) (leaves behind) bottles, cans, packets, food, paper, chewing gum, cigarette butts etc.) other than in an appropriate receptacle (bin).

6. Dog fouling

Any person(s) responsible for a dog at the time, who fails to pick up their dog mess (faeces) immediately and dispose of it in an appropriate receptacle (public bin or taken away with them).

Exemptions: This prohibition is not to be enforced against any person with a disability that affects their mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, and those persons who are in charge of an assistance dog trained by a relevant charity.

Within town centres and within 500 metres of transport hubs (including rail and tube stations), the following are prohibited: -

7. Illegal trading (food or other items in the street)

Any person(s)* who street trade(s), which includes the buying and/or selling of any item(s) or services (whether for financial gain or reward) without the written consent from the landowner and/or the London Borough of Brent. Any person(s) are required to: -

a. surrender any items that the authorised officer reasonably believes to be associated with the breach including bags or other vessels used to carry items. For the purposes of this prohibition, 'surrender' means items will not be returned.

8. Use of megaphone or microphone with speaker

Any person(s)* that use a microphone, megaphone or amplified equipment with a speaker without the written authorisation from the landowner and/or the London Borough of Brent.

Exemptions: This prohibition is not to be enforced on land owned by the London Borough of Brent for political campaigning and/or demonstrations.

9. Aggressive begging

Any person who aggressively begs for food, money or other items. This includes;

- a. Begging with an intent to intimidate which may include repeated requests
 - b. Approaching or following a person whilst making a request
 - c. Continuing to make requests when a negative response has been given
 - d. Begging with use of false or misleading information
 - e. Involving activities that are unsafe or dangerous to any person or property
 - f. Attempting to provide or deliver unrequested or unsolicited services or products with a demand or pressure for money.
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Wembley Park

Restricted Area: All areas contained within the following; from the junction of Wembley Stadium station along the railway line to Hannah Close, leading onto the railway line up to Bridge Road, up towards the first section of Forty Avenue and Forty Lane, back down towards Empire Way, Wembley Hill Road and Wembley Park Drive leading onto Park Lane to include King Edwards VII Park, down onto High Road, Wembley and in one direction to Harrow Road at the junction of Napier Road and in the other direction towards Harrow Road to the junction of Berkhamsted Avenue and to include the first section of Oakington Manor Drive and back to the railway line at Wembley Stadium station. The map indicates the first sections of some side roads such as Brook Avenue located next to Wembley Park station which will also include the prohibitions.



PROHIBITIONS

Within the restricted area described above, the following are prohibited: -

Prohibitions 1-9 above also apply in this area

10. Illegal trading of merchandise

Any person(s)* who offer(s) to buy and/or sell any merchandise (whether for financial gain or reward) without the written consent from the landowner and/or the London Borough of Brent. Any person(s) are required to: -

- a. surrender any items that the authorised officer reasonably believes to be associated with the breach including bags or other vessels used to carry items. For the purposes of this prohibition, 'surrender' means items will not be returned.

11. Illegal trading of tickets (ticket touting)

Any person(s)* who offer(s) to buy and/or sell tickets (whether for financial gain or reward) without the written consent from the landowner and/or the London Borough of Brent. Any person(s) are required to: -

- a. surrender any items that the authorised officer reasonably believes to be associated with the breach including bags or other vessels used to carry items.

12. Distribution of free literature

Any person(s)* who distribute(s) free literature, which includes leaflets, the giveaway of free items/samples etc. without written consent of the landowner and or the London Borough of Brent. The following are exempt from land owned by the London Borough of Brent;

- a. Political, charitable and religious purposes which must be complied with in line with prohibition **17**.

13. Charity collectors

Any person(s)* who undertake(s) Charity Collections without the written consent from the London Borough of Brent.

14. Busking without consent

Any person(s)* who undertake(s) busking without the written consent of the landowner and/or the London Borough of Brent. This is to eliminate any risk of disturbance or nuisance to any other parties. For e.g. by blocking footpaths or causing excessive noise.

15. Ambush marketing (including fly posting)

Any person(s)* who advertise(s), affixes or distributes any promotional adverts, offers or items (including but not limited to street furniture, stands, stalls, banners, posters or stationary vehicles).

16. Pyrotechnics (including fireworks, flares or smoke emitters)

Any person(s) who let(s) off or handles fireworks, including flares and smoke emitters without the written consent of the landowner and/or the London Borough of Brent.

17. Obstruction of the public highway, preventing the free flow of person's movement

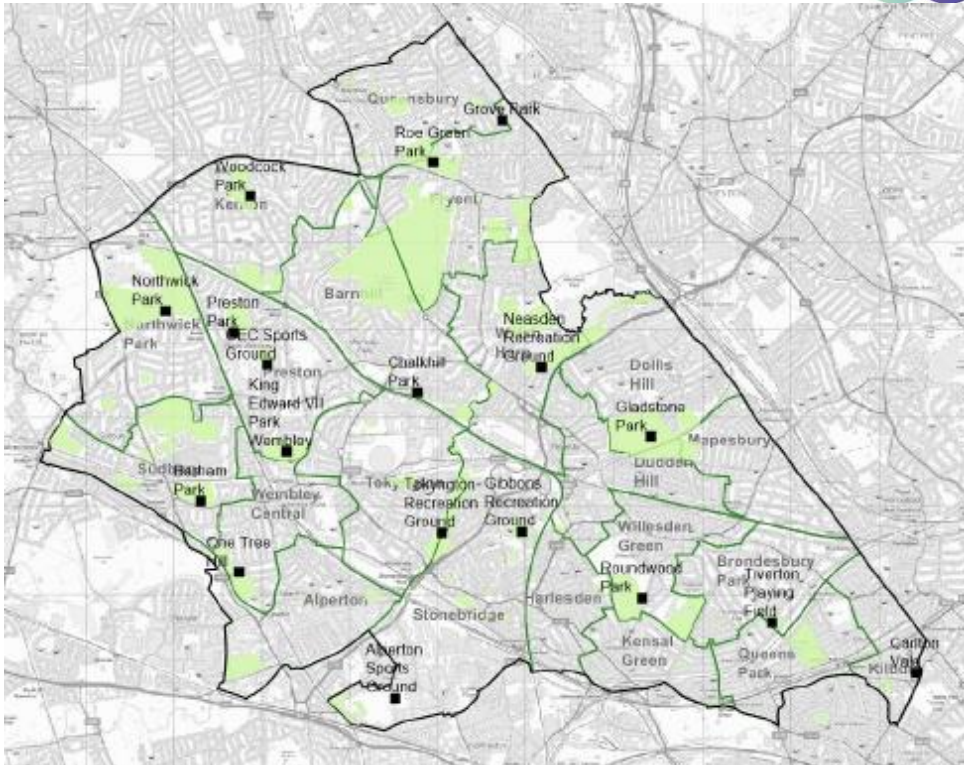
Any person(s) who upon being requested to move by an authorised officer, continues to obstruct the highway, preventing the free flow of person's movement.

18. Flying of drones

Any person(s)* who fly/flyes a drone without the written consent of the landowner and/or London Borough of Brent, whether licensed or not.

Parks, Open Spaces, Cemeteries and Graveyards

Restricted Area: All parks, open spaces, cemeteries and graveyards in the London Borough of Brent



Please note: These maps are intended to illustrate the parks, open spaces, cemeteries and graveyards only. For a full list of Brent parks, open spaces, cemeteries and graveyards, please see the separate list in Appendix 1. Any other park or open space not owned by Brent Council which is considered a 'public place' for the purposes of this PSPO may be included. Appropriate signage will indicate if it is included.

Prohibitions 1-6 above also apply in this area

19. Unauthorised use of motor vehicles (including e-scooters and e-bicycles)

Use of a motor vehicle (such as vans, cars, motorbikes, mopeds and e-scooters) without the written consent of the landowner or Brent Council. This does not include;

- a. Electrically Assisted Pedal Cycles (EAPC) (which are not classified as a motor vehicle). In order to meet the criteria of an EAPC, ALL of the following conditions must apply: -
 - i. cycle must be fitted with pedals that are capable of propelling it.
 - ii. maximum continuous rated power of the electric motor must not exceed 250 Watts.
 - iii. electrical assistance must cut-off when the vehicle reaches 15.5 mph
 - iv. must have front and rear illumination

Consent for vehicles, for use of 'car parks' in parks and open spaces is implied. A vehicle that enters a car park and causes a public nuisance is in breach.

20. Use of permitted vehicles without due care and attention

Use of permitted vehicles, electronically assisted or otherwise, (such as pedal cycles, push scooters and Electrically Assisted Pedal Cycles (EAPC) without due care and attention.

- a. Definition of an Electrically Assisted Pedal Cycle (EAPC) (which are not classified as a motor vehicle). In order to meet the criteria of an EAPC, ALL of the following conditions must apply: -
 - i. cycle must be fitted with pedals that are capable of propelling it.
 - ii. maximum continuous rated power of the electric motor must not exceed 250 Watts.

- iii. electrical assistance must cut-off when the vehicle reaches 15.5 mph.
- iv. must have front and rear illumination

21. Loss of control of dogs

Any person(s) responsible for a dog;

- a. where the dog is not reasonably within eyesight of the responsible person(s) and/or where a dog does not respond to being beckoned (recalled) by the owner
- b. who fails to follow instructions by an authorised officer to put a dog on a lead.

22. Dogs that are prohibited from specific areas

Any person(s) responsible for a dog must not enter specific areas such as multi-use games areas (MUGA), playgrounds, tennis courts and any other areas where a notice specifies that dogs are prohibited.

Exemptions: This prohibition is not to be enforced against any person who is in charge of an assistance dog trained by a relevant charity.

23. Letting a dog off a lead in a specified area

Dogs must be kept on a lead in areas such as walled gardens, graveyards, **cemeteries** and areas where a notice specifies that dogs must be on a lead. The dog must be on a lead prior to entering the area. Where there are specific locations within an on-lead area where dogs can be walked off-lead, these will be notified in a notice displayed in that location.

24. More than four dogs being walked at the same time

Any person who walks more than four dogs at any time.

25. Flying drones and model aircrafts

Any person(s) who fly/flyes a drone or any other form of model aircraft without the written consent of the landowner and/or London Borough of Brent.

26. The lighting of fires or use of barbeques

Any person(s) who light(s) a fire or uses a barbeque.

27. The use of fireworks

Any person(s) who use(s) fireworks without the written consent of the landowner and/or London Borough of Brent.

28. Defacing or damaging fixtures, furniture or other items

Any person(s) who deface(s) or damages fixtures, furniture or other items (such as trees, bushes and plants).

29. Launching of sky lanterns

Any person(s) who launch(es) sky lanterns that 'rely on an open flame to heat the air inside the lantern'.

30. Feeding wild animals including birds, foxes, rats, etc.

Any person(s) who feed(s) wild animals including birds, foxes, rats, etc. This includes the laying down of food for wild animals even if they are not present at the time of the food being laid.

31. Unauthorised event or activity

Any person(s)* who use(s) any area in an open space for an event/activity where it: -

- a. requires booking (such as sports pitches or organised gatherings) and/or
- b. interferes with others' use of the open space or its car park and/or
- c. where there is a financial gain (a business or trade)

The event or activity may include;

- a. an activity carried out by an individual or group or
- b. unauthorised sporting activity that creates a public nuisance or
- c. a gathering that creates a public nuisance

*This includes any person(s) acting on behalf of a business and the business owner.

Additional Information

Permission other than landowner consent

Any consent that is given by the landowner must be in writing. Additionally, proof of any relevant licences/permissions may be required.

Alcohol Consumption

Failure to comply with the consumption of alcohol prohibition is a criminal offence, subject to a fine not exceeding level two (up to £500) upon prosecution. Breaches will result in the issuing of a Fixed Penalty Notice (£100), payable within 14 days. Payment of the Fixed Penalty Notice discharges liability to conviction for the offence.

All other Breaches

Failure to comply with any other prohibition is a criminal offence, subject to a fine not exceeding level three (up to £1000) upon prosecution. A breach of the PSPO could result in the issuing of a Fixed Penalty Notice (£100), payable within 14 days. Payment of the Fixed Penalty Notice discharges liability to conviction for the offence.

Providing Details

Please note that failure to provide a name and address, or furnishing a false name or address, may result in a further offence being committed for which you may receive an unlimited fine.

A notice will be displayed in the affected area displaying the prohibitions and announcing the end of the authority when it no longer applies. For further information, please contact Brent Council, Brent Civic Centre, Engineers Way, HA9 0FJ, 02089371234 or www.brent.gov.uk/PSPO

Date made: **[to be completed]**

Made by: Peter Gadsdon, Corporate Director, Partnerships, Housing & Resident Services following consultation with Cabinet Member for Safer Communities, Jobs and Skills.
