

DRAFT ORDER

London Borough of Hammersmith & Fulham

Community Safety Unit

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Public Spaces Protection Order

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Anti-Social Behaviour, Crime and Policing Act 2014

The Council is satisfied that the two conditions below have been met, in that -

- i. activities carried out in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in a public place and they will have such an effect;
- ii. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

The Council of the London Borough of Hammersmith & Fulham, in exercise of its powers under sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers, hereby makes the following order:

1. This Order comes into force on XXXXX and ends on XXXXX unless extended by further Orders under the Council's statutory powers. The PSPO will remain in place for a maximum term of three years, subject to any variation or extension.
2. This Order applies to all public spaces. This means areas of land which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham.
3. The Order imposes that:
 - i. ***Wearing a face covering in an attempt to conceal their identity***

- *When asked individuals must remove any face coverings where it is reasonable believed it is being worn wholly or mainly for the purpose of concealing their identity to cause harassment, alarm or distress. This would include but is not limited to scarves, balaclavas, masks or other such clothing or items to cover the head and face. This would include wearing a motorcycle helmet when not riding a motorbike and when it is done so to conceal the person's identity*

To note - this prohibition would not be enforced against any person who for religious, faith, or cultural beliefs or existing medical conditions has their face covered by such clothing or medical grade face masks. This prohibition would not apply when it is a requirement by law to wear a face covering, for example in the covid -19 pandemic.

ii. Congregating or gathering in groups (of two or more) engaged in anti-social behaviour

- *No persons shall congregate or gather in groups (of two or more) if they are causing, or reasonably perceived to be causing, intimidation, harassment, alarm or distress*
- *No persons shall remain in the specified vicinity or returning within 24 hours, when asked to disperse by an authorised officer because you have been congregating in a group of two or more people, where one or more person/s have been engaging in anti-social behaviour and at least one member of that group is within the designated area.*

iii. Professional beggars, and aggressive and/or persistent begging
Professional begging - No person or groups of people will beg when it is professional in nature

Such behaviour would include but is not limited to

- *Begging in groups, where individuals are known or suspected of being known to each other*
- *Individuals or groups of beggars that attend the same location frequently*
- *Individuals or groups of beggars that exploit the goodwill of unknown persons for the purposes of obtaining money or other such gratuities with criminal intent*

Aggressive and/or persistent begging - No person shall beg in a manner reasonably perceived to be intimidating or aggressive.

Such behaviour would include but is not limited to:

- *Begging with an intent to intimidate which may include repeated requests*
- *Pressuring any person by approaching or following them and or continuing to ask, beg, for money, food or other items.*
- *Begging with the use of false or misleading information to persuade members of the public to give money, food or other items.*

Penalty

Any person who fails without reasonable excuse to comply with any of the requirements in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1,000) on the standard scale.

Fixed Penalty

Police Officers, Police community Support Officers, the council's Law Enforcement Officers and other authorised personnel can issue Fixed Penalty Notices (FPN) to people who fail to comply with any of the requirements in this order. A person committing an offence through breaching the prohibitions will have 14 days to pay the fixed penalty of £100 (or £60 if paid within 7 days), failing which they may be prosecuted.

Appeals

Any challenge to this Order must be made at the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash or vary the Order.

X

Neil Thurlow
Assistant Director of Community Safety Resil...

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Superintendent, Metropolitan Police

**TO BE INSERTED ON SEALING THE COUNCILS COMMON SEAL STAMP. LEGAL
SIGNATURE AND SEAL REFERENCE NUMBER**

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