

DRAFT ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the London Borough of Hackney (the 'Council') and shall be known as the **Public Spaces Protection Order (Wick Woodland, Hackney Marshes and the surrounding areas) 2025**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

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 notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

5. The Activities prohibited by this Order are:

- i. unlicensed music events and/or Raves
- ii. the destruction or damage of trees, shrubs, plants or any other flora, fauna, woodland or wildlife
- iii. the possession, consumption or sale of nitrous oxide, laughing gas or CO₂, save when used for a valid and demonstrable medicinal purposes or is given to an animal as a medical remedy.
- iv. the playing of loud music, whether or not amplified, through the use of equipment which includes but is not limited to musical instruments, free-standing speakers, sound systems, loudspeakers, microphones, DJ sets or generators.
- v. the lighting of fires, stoves and/or naked flames (with the exception of a cigarette lighter) on any equipment
- vi. the entry of vehicles, including any engine or generator, onto any of the Restricted Areas, with the exception of vehicles/engines/generators belonging to the emergency services or to the Council's employees, agents or contractors.

THE PROHIBITION

- 6. A person shall not engage in any of the Activities anywhere within the Restricted Areas listed in Schedule 1 of this Order.
- 7. This Prohibition is subject to the Exception stated below.

THE REQUIREMENT

- 8. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other Authorised Officer of the Council.

THE EXCEPTION

- 9. Nothing in this order shall apply to a person who has the prior written permission of the Council whether by way of a grant of a licence or otherwise.

DEFINITIONS

10. In this Order the following words or phrases are defined as follows:

‘Authorised Officer’ means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order.

‘Council’ means the London Borough of Hackney.

‘Music’ includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.

‘Rave or raves’ means a gathering on land in the open air of twenty or more persons (whether or not trespassers) at which amplified music is played (with or without intermissions) and is by reason of its loudness, duration and the time at which is played, likely to cause serious distress to the inhabitants of the locality, and for this purpose such a gathering continues during intermissions in the music.

‘Restricted Area’ means the parts of the London Borough of Hackney as listed in Schedule 1 of this Order.

‘Vehicle’ includes the operation of any engine or generator.

‘2014 Act’ means the Anti-Social Behaviour, Crime and Policing Act 2014.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

11. For the purposes of section 66 of the 2014 Act this Order is made on [**date to be inserted**] and will come into force at midnight on [**date to be inserted**] and will expire at midnight on [**date to be inserted**].
12. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

Any challenge to this order must be made in 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 Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this 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 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 totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

LEGISLATION

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

Offence of failing to comply with order

(1) It is an offence for a person without reasonable excuse—

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

Schedule 1

This Order applies to the following places:

Wick Woodland, Hackney Marshes, Daubeney Fields, Mabley Green, Millfields Park and Land at the East Cross Route, under the A12 Flyover, Eastway, London, Hackney Wick.

