

CITY WIDE PUBLIC SPACES PROTECTION ORDER 2020



Anti-social Behaviour, Crime and Policing Act 2014

PLYMOUTH CITY COUNCIL CITY WIDE PUBLIC SPACES PROTECTION ORDER 2020

Plymouth City Council ("the Council") makes this Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) having consulted with relevant parties as required by section 72 of the Act.

The Order takes effect on [date tbc] for a period of 3 years.

The order relates to all public places within the City of Plymouth, the boundaries of which are edged black on the map and schedule of land attached to this Order at Appendix 1 ("the Restricted Area").

The Council is satisfied that anti-social behaviour and criminal activities have been carried out in the Restricted Area associated with the consumption of alcohol which have had a detrimental effect on the quality of life of those in the locality, and a detrimental effect on the City as a whole.

Further, it is satisfied that the effect of these activities is, or is likely to be, of a persistent or continuing nature, and, is, or is likely to be, such as to make the activities unreasonable and the effect therefore justifies the restrictions imposed.

The activities have given rise to nuisance and complaints to both the Council and the Police from local residents and businesses.

The effects of this Order is to impose the following prohibitions and/or requirements at all times within the Restricted Area:

1. No person shall continue to consume alcohol, or anything which is reasonably believed to be alcohol, when asked to stop by an authorised person
2. No person shall fail to surrender a vessel(s) of alcohol, sealed or unsealed when requested by an authorised officer who, in their view believe this would assist in preventing further anti-social behaviour, public nuisance or disorder

Unless:

- a) he/she has a reasonable excuse for failing to do so or
- b) the area is subject to exemptions listed in Appendix 2

An “authorised officer” means an employee of the council, Police Community Support Officer or other person who is authorised in writing by the council.

Penalty:

In accordance with Section 63 of the Act, a person who, without reasonable excuse fails to comply with this Order shall be guilty of an offence and liable on a summary conviction to a fine not exceeding level 2 (£500) on the standard scale.

Persistent breaches of the Order may also lead to additional orders being sought against perpetrators under the Act.

A police officer or an authorised person, may issue an anti-social behaviour warning to anyone he or she has reason to believe has committed an offence under section 63 in relation to this Order. Subsequent offences will result in a further warning leading to a summary conviction

Challenging the validity of the Order (section 66 of the Act)

- (1) An interested person may apply to the High Court to question the validity of—
- (a) a public spaces protection order, or
 - (b) a variation of a public spaces protection order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

- (2) The grounds on which an application under this section may be made are—
- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

Appendix 1
Schedule of Land

The order applies to all land in the administrative area of Plymouth City Council that is open to the air and to which the public are entitled to or permitted to have access (with or without payment). For the purposes of the order the land which is covered is to be treated as land which is ‘open to the air’ if it is open to the air on at least one side.

Appendix 2
Exemptions

- a) Premises authorised by a premises licence or a temporary event notice to be used for the supply of alcohol;
- b) Premises authorised by a club premises certificate to be used by the club for the supply for alcohol;
- c) A place within the curtilage of premises with paragraph (a) or (b);
- d) Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E Highways Act 1980 (highway-related uses).

The Common Seal of
The Council of the City of Plymouth
was hereunto affixed in the presence of

Authorised signatory

Dated