

**RUSHCLIFFE BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER NO.1 OF 2017 (as amended 2022) ('the Order')**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ('THE ACT')**

Rushcliffe Borough Council ('the Council'), **being satisfied** that:

- a) Activities as described in section 3 below ('the activities') carried out in a public place within its area have had a detrimental effect on the quality of life of those in the locality and/or
- b) It being likely that activities will be carried on in a public place and that they will have such an effect

**And that** the effect or likely effect of the activities

- a) Is or is likely to be of a persistent or continuing nature
- b) Is or is likely to be such as to make the activities unreasonable; and
- c) Justifies the restrictions imposed by this Order

**And** pursuant to the requirements of section 72 of the Act the Council:

- a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and
- b) Having carried out the necessary consultation, notification and publicity

**And** being satisfied on reasonable grounds that extending the period for which the Rushcliffe Borough Council Public Spaces Protection Order No.1 of 2017 (as extended 2020) ('the 2017 Order') has effect is necessary to prevent

- a) Occurrence or recurrence after that time of the activities identified in the 2017 Order; or
- b) An increase in the frequency or seriousness of those activities after that time

**HAS DECIDED TO EXTEND** and **AMEND** the No.1 2017 Order (as extended 2020) under section 60 and 61 of the Act as follows:

1. The land described in Schedule below ('the restricted areas') being land in the area of the Council to which the Act applies is land protected by the making of this Order.
2. The Order may be cited as the Rushcliffe Borough Council Public Spaces Protection Order No. 1 of 2017 (as amended 2022) ('the Order') and shall come into force on 2 December 2022 for a period of 3 years unless extended by further orders made under the Council's statutory powers.
3. The effect of this Order is to impose the following conditions on the use of the restricted areas at all times:

**Conditions in the Order which are requirements–**

In the restricted areas a person commits an offence if, without reasonable excuse, he or she continues to carry out activities which, by this Order, are prohibited, namely:

- i. No person shall refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance and disorder.

- ii. No person shall refuse to remove any items left or believed to be left on land when required to do so by an authorised officer.
- iii. No person shall refuse to leave the location specified when given a direction to do so by an authorised officer, subject to the following:

If the condition in this section is met an authorised officer may direct a person who is in any location on land to which this Order applies —

- a) to leave the location (or part of the location), and
- b) not to return to the location (or part of the location) for the period specified in the direction (“the exclusion period”).

The condition is that an authorised officer has reasonable grounds to suspect that the behaviour of the person in the location has contributed or is likely to contribute to members of the public in the location being harassed, alarmed or distressed.

- a) The exclusion period may not exceed 48 hours.

A direction under this section—

- a) must be given in writing, unless that is not reasonably practicable;
- b) must specify the area to which it relates;
- c) may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).

#### **Conditions in the Order which are prohibitions –**

In the restricted areas a person commits an offence if, without reasonable excuse, he or she carries out or continues to carry out activities which, by this Order, are prohibited, namely:

- iv. No person shall beg for money or for any other item whether expressly or impliedly in a manner that causes or is likely to cause nuisance, annoyance, fear or distress to any other person.
- v. No person shall spit, urinate or defecate on land or street furniture

#### **OFFENCES**

1. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine.
4. An authorised person may issue a Fixed Penalty Notice of a maximum of £100 to anyone he or she believes has committed an offence as an alternative to prosecution.

#### **GENERAL**

1. The Council is satisfied that the conditions set out in sections 59, 60, 64 and 72 of the Act have been met and that it is in all the circumstances expedient to extend the 2017 Order for the purposes of reducing anti-social behaviour in the restricted areas.

2. For the purposes of this Order, a 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
3. An authorised officer means an employee of the Council, a person designated by the Council, a Police Officer or a Police Community Support Officer.
4. An 'interested person' (as defined in section 66(1) of the Act) may apply to the High Court to question the validity of this Order or any variation thereof on the grounds specified in section 66(2) of the Act within 6 weeks of the date of the Order or any subsequent variation.

Dated this     day of                     2022

The Common Seal of

Rushcliffe Borough Council

was hereunto affixed

In the presence of:

Authorised Signatory

DRAFT