

RUSHCLIFFE BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER NO.1 OF 2020

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

Rushcliffe Borough Council, **being satisfied** that:

- a) Activities as described in section 3i and 3ii 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

HAS DECIDED TO MAKE this Public Spaces Protection Order under section 59 of the Act:

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 2016 ('the Order') and shall come into force on 1 March 2020 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 prohibitions –

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 sleep in any public place which is or includes –
 - open to the air
 - within a vehicle
 - within a car park
 - a non-fixed structure including caravans and tents without the prior permission of the owner or occupier of the land other than at a place designed for the purpose of sleeping including designated camp sites.
- ii. 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.

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, 64 and 72 of the Act have been met and that it is in all the circumstances expedient to make this 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 2020

The Common Seal of

Rushcliffe Borough Council

was hereunto affixed

In the presence of:



Rushcliffe
Borough Council

Mayor

Senior Solicitor