

## **PUBLIC SPACE PROTECTION ORDER**

### **BARNSELY METROPOLITAN BOROUGH COUNCIL**

## **PUBLIC SPACE PROTECTION ORDER**

### **ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014 S.59 (“THE ACT”)**

#### **Notice is hereby given that Barnsley Metropolitan Borough Council (“the Council”):**

**Being satisfied** on reasonable grounds that:

- (a) Activities as described in schedule 1 below (“the activities”) carried on 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 the activities will be carried on in a public place within that area and that they will have such an effect:

**AND THAT** the effect or likely effect of the activities

- (a) Is or 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 the order

**AND** pursuant to the requirements of s.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 the following Public Space Protection Order under s.59 of the Anti-Social Behaviour, Crime & Policing Act 2014 (“the Act”):**

1. The land described in schedule 2 below (“the restricted area”) being land in the area of the council to which the Act applies is land protected by the making of this order
2. This order may be cited as the Town Centre Public Space Protection Order (“the Order”) and came into force on Wednesday 27 March 2019 for a period of three years
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:

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

- (i) Behaving in a way that causes or is likely to cause harassment, alarm or distress to another person.**
- (ii) Using, possessing or supplying to another person any intoxicating substance defined for the purposes of this order as any substance with the capacity to stimulate or depress the central nervous system.**

Exemptions shall apply in the following cases, which will not be considered to be “intoxicating substances” for the purposes of this order:

Alcohol, caffeine, cases where the substances are used for a valid and demonstrable medicinal use, substances given to an animal as a medicinal remedy and cigarettes (tobacco).

- (iii) Continuing to consume alcohol when required to stop doing so by any authorised officer.**
- (iv) Persistent and repeated or aggressive begging.**

Conditions in the order which are requirements:

- (b) In the restricted area a person commits an offence if without reasonable excuse he or she fails to comply with any activity that they are required to undertake by an authorised officer namely:**
  - (i) To leave the restricted area and not return within 48 hours of the request to leave.**
  - (ii) To immediately surrender any alcohol in his or her possession upon request.**

## **OFFENCES**

1. An offence under s.67 of the Act is committed by any person who fails without reasonable excuse to comply with the following parts of this order: parts 3(a)(i), 3(a)(ii) or 3(b)(i). Such offence is punishable upon summary conviction to a fine not exceeding level 3 on the standard scale (or to a fixed penalty notice of a maximum of £100 as an alternative to prosecution).
2. An offence under s.63 of the Act committed by any person who fails without reasonable excuse to comply with the following parts of this order: part 3 (a)(iii) or 3 (b)(ii). Such offence is punishable upon summary conviction to a fine not exceeding level 2 (or to a fixed penalty notice of a maximum of £100 as an alternative to prosecution).

## GENERAL

1. An authorised officer means an employee of the council, a person designated by the council, a Police Officer or a Police Community Support Officer.
2. Any “interested person” (as defined in s.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.

## MAP OF RESTRICTED AREA

