

DRAFT PUBLIC SPACES PROTECTION ORDER

BARNSELY METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER

ANTI SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014 S.59 ("The Act")

Notice is hereby given that Barnsley Metropolitan District 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 notice

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 Spaces Protection Order under s.59 of the Antisocial Behaviour Crime & Policing Act 2014 ("the Act"):

1. The land described in schedule 2 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. This order may be cited as the Town Centre Public Spaces Protection Order ("the Order") and came into force on (DATE) 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:**

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 either as an individual or part of a group.**
- (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.**
- (iii) Exemptions shall apply in the following cases, which will not be considered to be “intoxicating substances” for the purposes of this order: Alcohol when supplied or ingested within the boundary of a licensed premise, 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).**
- (iv) Continuing to consume alcohol when required to stop doing so by any authorised officer.**
- (v) Persistent and repeated or aggressive begging.**
- (vi) Persistent or aggressive sales, or attempted sales or offering goods/items in exchange for payment to members of the public, be it for their own profit or not.**
- (vii) Engaging in unwanted, persistent or aggressive attempts to interact with members of the public.**
- (viii) Using a loud hailer, microphone or other amplified equipment in a way that causes or is likely to cause harassment, alarm or distress. (Excluding approved events or announcements).**
- (ix) Using a skateboard, bicycle, scooter, or any other wheeled conveyance in a way which causes or is likely to cause harassment, alarm or distress or damage to property or street furniture.**
- (x) Urinating or defecating in public. (Other than in a toilet or other public convenience).**
- (xi) Polluting or otherwise interfering with the water features.**
- (xii) Climbing on or otherwise interfering with statues, outdoor artwork or other such structures, either permanent or temporary.**

- (xiii) Using a car, van or any other mechanically propelled vehicle in the restricted area in a way which causes or is likely to cause harassment, alarm or distress.**
- (xiv) No open containers of alcohol on the streets except within the boundary of a licensed premise, any Café pavement licensed area or when being carried between the licensed café pavement area and the nearest exit/entry point of the Licensed premises to which the pavement licence is controlled by**
- (xv) Continuing to consume alcohol when required to stop doing so by any authorised officer**

Conditions in the order which are requirements:

- (b) In the restricted areas 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

Schedule 1

Summary of conduct

- Urinating and defecating in the street
- Intimidating and verbally abusing shop and business staff when opening and closing their premises
- Drug dealing taking place, sometimes blatantly
- People climbing on statues and other artwork
- Users rolling and smoking 'spliffs', injecting themselves, smoking and passing around 'bongs' and homemade crack-pipes
- Paraphernalia and detritus left in public spaces sealable bags, bongs, pipes and syringes
- People using loud hailers and other equipment upsetting members of the public, to the detriment of the town
- Verbal abuse and aggressive begging to passers-by
- Aggressive behaviour including shouting, swearing and fighting
- Individuals and groups staggering around looking 'spaced out'
- Users vomiting, frothing at the mouth and hallucinating while under the influence of intoxicating substances
- Vehicle nuisance
- Consuming alcohol outside the perimeter of a licensed premise

Schedule 2

Map of restricted area

