

PLYMOUTH CITY COUNCIL
PUBLIC SPACES PROTECTION ORDER



The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order - Stonehouse

This Order comes into force on the 1st November 2017

Plymouth City Council

Anti-social Behaviour, Crime and Policing Act 2014

THE PLYMOUTH CITY COUNCIL STONEHOUSE PUBLIC SPACES PROTECTION ORDER 2017

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 1st November 2017 for a period of 3 years.

The Order applies to the public place identified as Stonehouse Neighbourhood Area ("the Neighbourhood") which is more specifically described in Appendix 1 and shown edged blue on the map attached to this Order.

The Council is satisfied that activities have been carried out in the Neighbourhood 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 effect of this Order is to impose the following prohibitions and/or requirements at all times within the Neighbourhood:

General prohibitions:

1. No person shall ingest, inhale, inject, smoke or otherwise use intoxicating substances including psychoactive substances
2. No person shall beg or ask members of the public for money
3. No person shall sit on the ground in a public place, street, highway or passage in a manner that implies you are inviting people to give you money
4. No person shall urinate or defecate in a public place. This includes the doorway or alcove of any premises to which the public has access

Alcohol prohibitions:

These restrictions apply, at any time for the person(s) consuming alcohol or having an alcohol container in the Neighbourhood, unless the area is subject to exemptions listed in Appendix 2 below -

5. No person shall continue to consume alcohol, or anything which is reasonably believed to be alcohol, when asked to stop by an authorised person
6. No person shall fail to surrender an open vessel(s) of alcohol when requested to by an authorised person

An “authorised person” means an authorised officer of the council, a police officer, or a police community support officer.

An authorised person who makes a requirement under paragraph 4 or 5 must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

Penalty:

- a) It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
- b) 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 fine not exceeding level 2 (£500) on the standard scale
- c) 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 fine not exceeding level 3 (£1,000) on the standard scale

A constable 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 sections 63 or 67 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

Description of area of public place as shown edged blue on the attached map:

The boundary will be from the junction between Western Approach and Union street, heading north along Western Approach it will be to the Western side of the road continuing left at North Cross roundabout, along the western side of Saltash Road it turns westerly following the railway line passed the bowling green to the Northern Edge of Victoria Park. It then travels down Eldad Hill to the junction with the Southern Edge of the park and continues along the park until Stonehouse Roundabout. It continues southward at the roundabout and follows the water line until Eastern King Point where it travels Eastward to Millbay Pier. It then travels North Easterly omitting Trinity Pier across Millbay Road to the junction with Union Street it then travels easterly where it meets the junction between Western Approach and Union Street.

Appendix 2

Exemptions to alcohol prohibitions

- 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 within 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 the 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
this 26th day of October 2017

in the presence of

Plymouth City Council Authorised Signatory



