

SWINDON BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59
SWINDON COMMERCIAL TOWN CENTRE
PUBLIC SPACES PROTECTION ORDER 2015

This Order is made by Swindon Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to the public space within the area edged in black on the plan of Swindon Town Centre which appears at Appendix One, being public space in the Council's area to which the Act applies ("the restricted area").
2. The Council is satisfied that the two conditions below have been met, in that:-
 - (a) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - (b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following prohibitions and/or requirements at all times:-

- 1. Dogs on leads**

Any person in charge of a dog, at any time, must keep the dog on a lead unless subject to exemptions listed in Appendix Two below.

- 2. Alcohol**

Any person is prohibited from, at any time, consuming alcohol or having an open alcohol container, unless subject to exemptions listed in Appendix Two below.

- 3. Begging**

Any person is prohibited from, at any time, placing himself in a position to receive alms for a continuing period.

4. Peddling/Street Trading

Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.

5. Marking surfaces/chalking

Any person is prohibited from, at any time, directly marking surfaces such as walls or pavements with paints, chalk or similar without the written permission of the Council.

6. Skateboarding

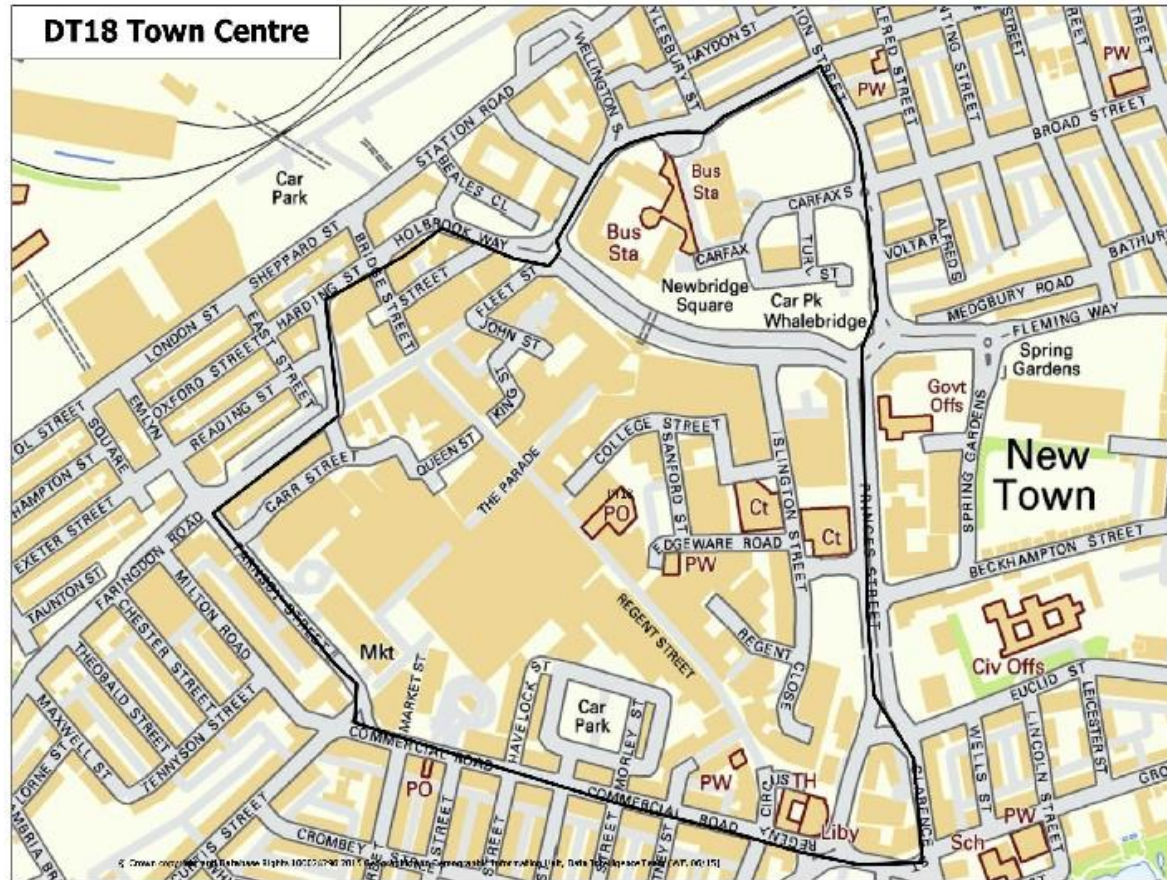
Any person is prohibited from, at any time, using a skateboard or similar in a way that may damage property or cause nuisance or annoyance.

7. Aggressive Charity Collection

Any person is prohibited from, at any time, on land detailed in Appendix One below, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money.

4. In the restricted area any person who carries out any of the prohibited activities or, in respect of dogs on leads fails to comply with the requirement, commits an offence unless he has a reasonable excuse.
5. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
6. A person guilty of an offence of failing to comply with the Order under Section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum £100.00.
7. In this area any person who without reasonable excuse continues drinking intoxicating liquor in the Order area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 or fails to surrender any intoxicating liquor in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.
8. In making this Order the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

APPENDIX ONE



APPENDIX TWO

Exemptions

Nothing in Requirement 1 (Dogs on leads) shall apply to a person who:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

Nothing in Prohibition 2 (alcohol) shall apply to:

- (a) Premises (other than council-operated licensed premises) authorised by a premises licence 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 of alcohol;
- (c) A place within the curtilage of premises within paragraph (a) or (b);
- (d) Premises which by virtue of Pt 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 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 s 115 of the Highways Act 1980 (highway-related uses)

A prohibition in the PSPO on consuming alcohol does not apply to council-operated licensed premises:

- (a) When the premises are being used for the supply of alcohol; or
- (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.

Dated: 9 November 2015

9th November 2015

Page 4 of 4