

SWINDON BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

SWINDON TOWN CENTRE

EXTENDED PUBLIC SPACES PROTECTION ORDER 2018

This Order is made by Swindon Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Sections 59 and 60 ("the Act") and shall be known as the "Public Spaces Protection Order (Town Centre Extended) 1 of 2018".

1. This Order relates to the public space within the area denoted on the map 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").

PRELIMINARY

2. The Council, in extending the Order made on the 9th November 2015 and varied on the 11th July 2017, is satisfied on reasonable grounds that doing so is necessary to prevent;-
 - (a) Occurrence or recurrence after the 8th November 2018 of the activities identified in the existing Order as amended or,
 - (b) An increase in the frequency or seriousness of those activities after the 8th November 2018.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

BY THIS ORDER

4. The effect of this Order is to extend the following prohibitions and/or requirements at all times:-

1. Dogs on leads

Any person in charge of a dog within the Restricted Area, at any time, must keep the dog on a lead no longer than 2 metres in length, 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 in the Restricted Area, unless subject to exemptions listed in Appendix Two below.

3. Begging

Any person is prohibited from begging or asking members of the public for money in a manner which causes, or is likely to cause, nuisance or annoyance to any member of the public or business.

4. Skateboarding

Any person is prohibited from skateboarding, at any time, in a pedestrianised zone or car park within the Restricted Area.

5. Cycling

Any person is prohibited from cycling, at any time, in a pedestrianised zone within the Restricted Area.

5. 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.
6. The Order comes into force on the day it is made and will remain in force for a period of 3 years from the date of extension.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

Consuming alcohol in breach of a public space protection order is not an offence under section 67 but see section 63 below.

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to fail to comply with a requirement imposed by an authorised officer in relation to the consumption and or surrender of alcohol.

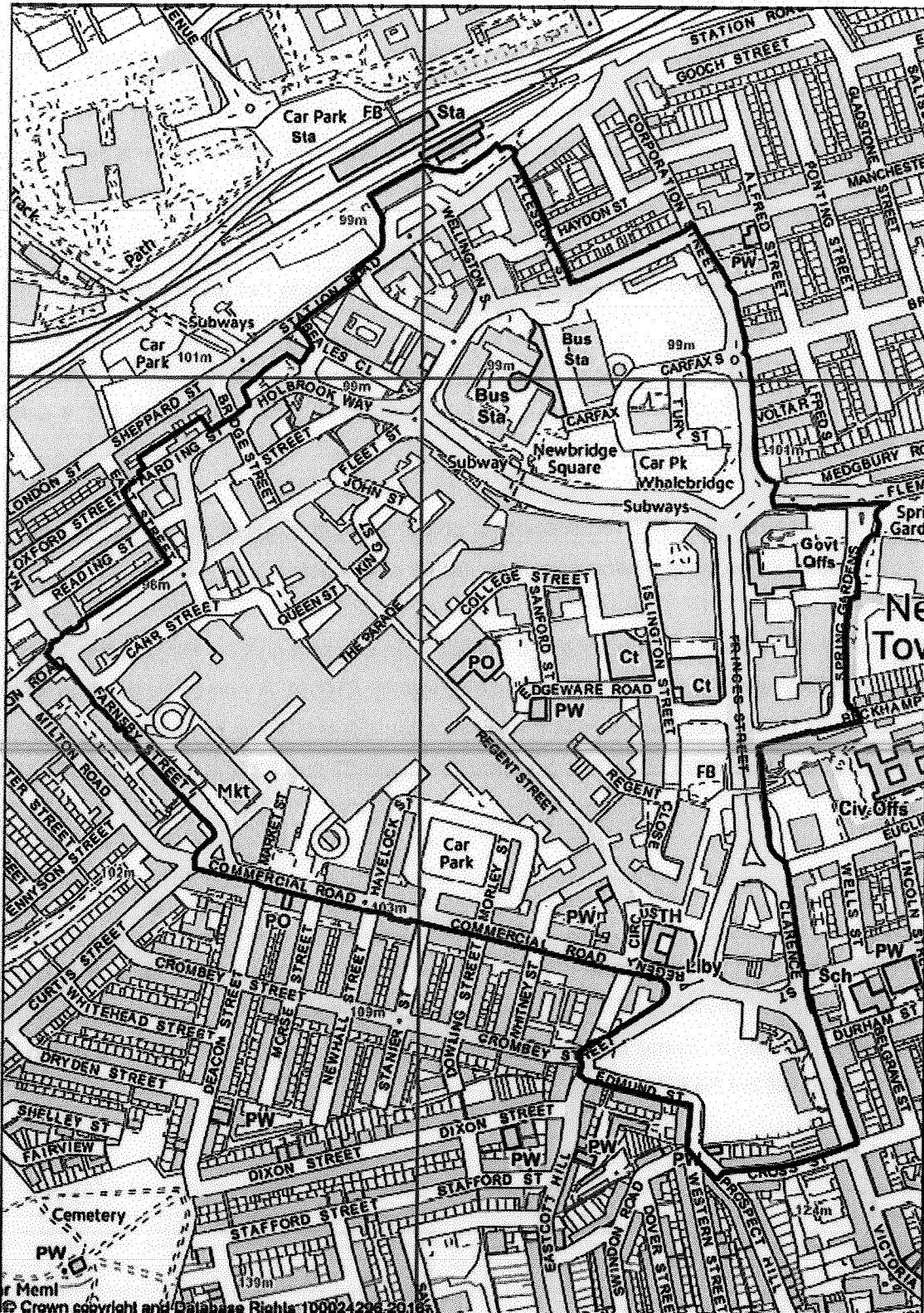
A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale (currently £1000). A person guilty of an offence under section 63 is liable on conviction in the Magistrates Court to a fine not exceeding level 2 on the standard scale (currently £500). The full text of sections 67 and 63 is set out at the end of this document.

FIXED PENALTY

A constable, police community support officer or borough council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. If you pay the fixed penalty of £100 in less than 14 days you will not be prosecuted.

EXTENDED ORDER

APPENDIX 1 – THE RESTRICTED AREA



EXTENDED ORDER

APPENDIX TWO

Exemptions

1. 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.
2. Nothing in Prohibition 2 (alcohol) shall apply to:
 - (a) A premises authorised by a Premises Licence or Temporary Event Notice (TEN), which is to be used for the supply of alcohol
 - (b) A 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 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 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)
 - (f) Events which have been given prior written authorisation by the Council.
3. The 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.

EXTENDED ORDER

THE COMMON SEAL of
SWINDON BOROUGH COUNCIL

was this 7th day of


November 2018 hereby

affixed in the presence of:-

Stephen Gerrard

Interim Director of Law

Swindon Borough Council

865402


EXTENDED ORDER

Text of Section 63 Anti-Social Behaviour Crime and Policing Act 2014:

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P) –
 - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section 'authorised person' means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P –
 - (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol.
 - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised officer under subsection (2) is not valid if the person
 - (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Text of Section 67 Anti-Social Behaviour Crime and Policing Act 2014:

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

