

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

SANDWELL METROPOLITAN BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER No 1 of 2018

WEST BROMWICH TOWN CENTRE

THIS ORDER is made by Sandwell Metropolitan Borough Council (“the Council”) because the Council is satisfied on reasonable grounds that anti-social behaviour and activities carried out, or likely to be carried out in a public space, namely West Bromwich Town Centre as shown outlined on the attached map (the “restricted area”):

- have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- are or are likely to be unreasonable; and
- justify the restrictions imposed.

The Council is satisfied that the following activities have been or are likely to be carried out within the restricted area:

- Behaving in a manner which causes harassment, alarm or distress to others
- Acting in a physically and/or verbally threatening manner
- Begging or asking members of the public for money
- Loitering for the purpose of begging or asking members of the public for money
- Parking of vehicles causing unnecessary obstruction on roads and/or footpaths

RESTRICTIONS

This Order prohibits the following activities within the restricted area:

1. Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person.

2. Threatening any person with violence and /or being verbally abusive towards any person.
3. Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money.
4. Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath.

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 1st August 2018 and lasts for three years. At any point before the expiry of this period the Council can extend the order by up to three years if satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Order may also be varied in accordance with the requirements of Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

FAILURE TO COMPLY WITH THIS ORDER

Section 67 of the Act states that it is an offence for any 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.

A person guilty of this offence is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

PENALTY NOTICES

Under Section 68 of the Act a constable or authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority. Failure to pay the fixed penalty notice may result in proceedings being issued for the offence under Section 67.

VALIDITY OF ORDER

Under Section 66 of the Act an “interested person” (being a person who lives in the restricted area or who regularly works in or visits that area) may apply to the High Court to question the validity of a public spaces protection order (or a variation thereof). Such an application must be made within six weeks of the order being made.

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 the requirements of the legislation have not been complied with

When an application is made the High Court can decide to suspend the operation of the order pending the Court’s decision, totally or in part. The High Court can uphold, quash or vary the order.

DATED:

SEALED:

SIGNED: