



Chesterfield Borough Council

Anti-Social Behaviour, Crime and Policing Act 2014 Part 4 Section 59

PUBLIC SPACES PROTECTION ORDER CHESTERFIELD (No 1) 2024

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities namely

- Urinating or defecating in public outside of a public toilet.
- Loitering around shops or cash points for the purpose of Begging.
- Behaviour that causes nuisance, alarm, or distress to another person.
- Stunts using a Motor vehicle including Doughnuts, Skidding, Handbrake turns and Wheel spinning.
- Loud music or noise from a vehicle that causes a nuisance to others.
- Causing a danger or risk of injury to others by speeding or racing in a Motor vehicle.
- Causing an obstruction on a public highway, whether moving or stationary, including driving in convoy in a Motor vehicle
- Consumption of Alcohol in a public place

(b) It is likely that such 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) Have had or are likely to have a detrimental effect on the quality of life of those in the locality

(b) Is, or is likely to be, of a persistent or continuing nature

(c) Is, or is likely to be, such as to make the activities unreasonable; and

(d) Justifies the restrictions imposed by the notice AND pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 ("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 Act.

This order shall come into effect on 19 August 2024 and shall have effect for 3 years.

1.0 Definitions

Alcohol has the meaning given by section 191 of the Licensing Act 2003.

Authorised person means any authorised officer of the authority, a police constable or a community support officer designated under paragraph 5 of Part One of Schedule 4 to the Police Reform Act 2002.

Begging includes but is not limited to approaching people and asking for money or placing a receptacle for donations

Car cruising is defined as 2 or more vehicles in the Restricted Area where any such vehicle or occupant of a vehicle performs any of the prohibited activities

Doughnut means driving a Motor vehicle in a tight circle whilst continuing to accelerate

Exempted Location means premises to which a prohibition on Alcohol consumption does not apply as described in section 62 of the Act: -

- a) Any premises authorised by a club premises certificate as defined by section 60 of the Licensing Act 2003
- b) Any premises authorised by a premises licence as defined by section 11 of the Licensing Act 2003
- c) Any place within the curtilage of such premises defined in a) or b) above
- d) Any place 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 in the 30 minutes before that time
- e) Any place related to facilities or activities relating to the sale or consumption of Alcohol at the relevant time permitted by virtue of permission granted by section 115E of the Highways Act 1980.
- f) Any council-operated licensed premises when the premises are being used for supply of Alcohol, or within 30 minutes after the end of a period during which the premises have been used for the supply of Alcohol.

Handbrake turns means using the handbrake to bring the Motor vehicle to an abrupt stop whilst turning the vehicle

Loitering means standing or waiting around without apparent purpose.

Motor vehicle means any mechanically propelled vehicle intended or adapted for use on roads

Restricted Area means any place (including the doorway or alcove of any premises or any other outdoor location) to which the public or any section of the public has access (on payment or otherwise) as of right or by virtue of express or implied

permission within the area shown edged red on the map attached at Schedule 1 to this order.

Skidding means driving a Motor vehicle in such a manner as to cause the rear of the vehicle to slide

Surrender for disposal a constable or an Authorised person may dispose of anything surrendered which he or she reasonably believes to be Alcohol in whatever way he or she thinks appropriate.

The Act means the Anti-Social Behaviour Crime and Policing Act 2014

Wheel spinning means accelerating to allow the wheels to spin while the Motor vehicle is stationary, producing noise and smoke; or accelerating at speed

2.0 Alcohol

Prohibition

All persons are prohibited from drinking Alcohol within the Restricted Area other than at an Exempted Location.

Requirements

Where an Authorised person reasonably believes that a person is consuming Alcohol or has been consuming Alcohol in breach of the order or where an Authorised person reasonably believes that the person intends to consume Alcohol in circumstances which would be a breach of this order, the Authorised person can take the following steps:

- a) To prohibit the person from consuming Alcohol or anything which the Authorised person reasonably believes is an alcoholic beverage in breach of this order
- b) To require that person to Surrender for disposal any Alcohol or anything which the Authorised person reasonably believes to be Alcohol which is in the person's possession including a container for alcohol.

3.0 Dispersal

Prohibition

All persons are prohibited from any activity or behaviour causing nuisance, alarm, harassment or distress to any other person within the Restricted Area.

Requirements

Where an Authorised person has reason to believe that the person is causing or likely to cause nuisance, alarm, harassment or distress to any other person or in order to prevent public disorder, when required to do so by an Authorised person the

person shall immediately disperse from within the Restricted Area and shall not return to the Restricted Area within 48-hours.

4.0 Loitering and begging

Prohibition

All persons are prohibited from Loitering around cash machines, shopping centre entrances, shop entrances or car park ticket and payment machines within the Restricted Area for the purposes of Begging.

Requirements

When required to do so by an Authorised person the person shall immediately disperse from within the location around a cash machine, shopping centre, shop entrance or car park ticket and payment machines and shall not return to any such location within the Restricted Area within 48 hours for the purposes of Begging.

5.0 Urination or defecation

Prohibition

All persons are prohibited from urinating or defecating within the Restricted Area other than in a facility specifically designed and intended for such use.

6.0 Car Cruising

Prohibition

All persons are prohibited from participating in a Car Cruising event, including but not limited to the following activities:

- i) Performing stunts using a Motor vehicle (including but not limited to performing Doughnuts, drifting, Skidding, Handbrake turns and Wheel spinning)
- ii) Causing a danger or risk of injury to road users (including pedestrians) by speeding or racing in a Motor vehicle
- iii) Causing an obstruction on a public highway, whether moving or stationary, including driving in convoy in a Motor vehicle
- iv) Causing or allowing loud music or noise from a vehicle that causes a nuisance to others.

7.0

Exception

Any activity or behaviour which is authorised by the owner of that part of the Restricted Area where the activity or behaviour is taking place is not in breach of this Order

8.0 Penalties for Non-compliance

If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in sections 2, 3, 4, 5, or 6 above they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.

An Authorised person may issue a fixed penalty notice (FPN) not exceeding £100 to any person he or she has reason to believe has breached the prohibitions or requirements of sections 2, 3, 4, 5 or 6 of this order.

A FPN 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 within 14 days of the date of the notice.

9.0 Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the Restricted Area or who regularly works in or visits that area.

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.

An interested person may challenge the validity of the order on two grounds:

- (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 one of the requirements of the legislation has not been complied with.

When an application is made, the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) 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), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the

order (or by the order as varied).

DATED the 15th day of August 2024

THE COMMON SEAL OF)
CHESTERFIELD BOROUGH COUNCIL)
was hereunto affixed in the presence of:)



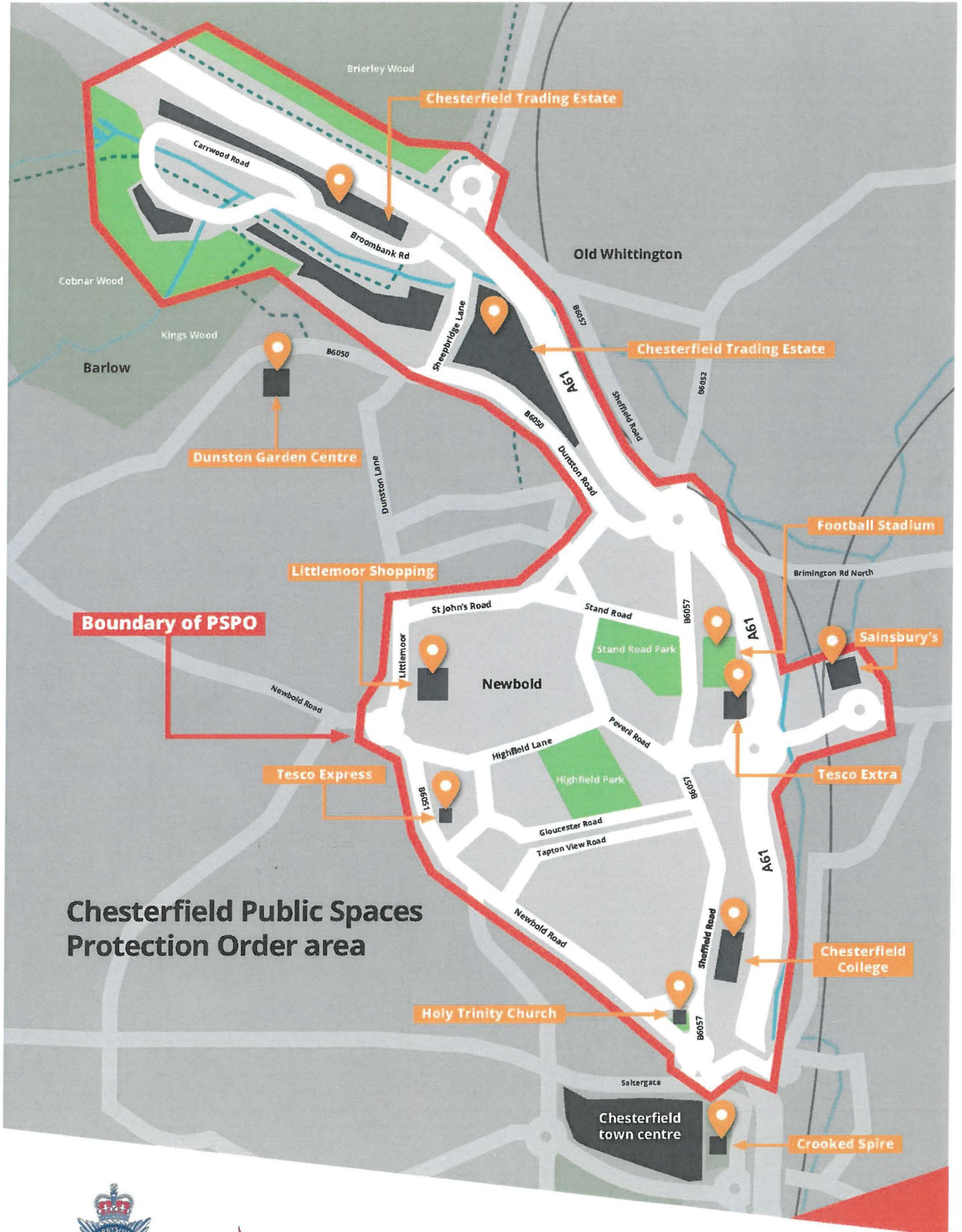
Authorised Signatory

No. in Seal Book	64721
---------------------	-------



Authorised Signatory

Schedule 1



CHESTERFIELD
BOROUGH COUNCIL

More details at www.chesterfield.gov.uk/pspo

