

The Anti-social Behaviour, Crime and Policing Act 2014 The Public Spaces Protection Order – Exeter City Council 2017

Exeter City Council ('the local authority') being satisfied that the conditions set out at section 59 (2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') are met and upon the following activities being carried on in a public place within the local authority's area: (i) the use of intoxicating substances, (ii) urinating, (iii) aggressive begging, (iv) acting in a manner that causes or is likely to cause a member of the public to suffer harassment alarm or distress, and upon the local authority having undertaken the necessary consultation and the necessary publicity and the necessary notification as required by section 72 (3) of the Act **HEREBY MAKES** by virtue of section 59 of the Act a Public Spaces Protection Order ('PSPO') in the following terms:

Any person within the PSPO area [being the area edged black on the map at Schedule One] whilst situated in the street or other public space where the public have access without payment shall:

- A. Surrender any intoxicating substance* in their possession to an authorised person** when requested to do so by that authorised person, if:**
- (a) they are found to be ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance or substances, or,**
 - (b) they are in possession of such intoxicating substance or substances with the intent of using such intoxicating substance within this area, or,**
 - (c) the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance or substances within the said area.**

**Intoxicating Substance is given the following definition (which includes alcohol and 'new psychoactive substances') 'substances with the capacity to stimulate or depress the central nervous system'. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substance when alcohol falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such. Section 63 (1) and (2) of the Act provides that where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol or intends to consume the alcohol in breach of this prohibition, that constable or authorised person may require the person not to consume the alcohol or to surrender the alcohol or container for alcohol to that constable or authorised person. Upon being provided with evidence that the constable or authorised person has the appropriate authorisation, a person who fails to comply with the requirement of the constable or authorised person shall commit an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale. A constable or an authorised person may dispose of anything surrendered in whatever way he or she thinks appropriate.*

***An authorised person shall be a Police Constable, Police Community Support Officer or authorised Exeter City Council Officer, who must be able to present their authority upon request.*

B. Not urinate in a street* or public open space.

**The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment. Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council and with its agreement.*

C. Not carry out aggressive begging*.

**Aggressive begging is defined as behaviour that a reasonable person would regard as intimidating and which is designed to cause a member of the general public to offer money to a person not known to them. Exeter City Council would define that behaviour as: (1) clearly intimidating, i.e. through the use of threatening language or gestures, or (2) intimidating by being passive aggressive, such as standing or sitting in close proximity (i.e. within 5 metres) of a cash machine or pay station either singly or in a group of two or more ie where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.*

D. Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.

E. Persons within this area who breach Prohibition D while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner* as may be specified.

**The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 6 hours from the time that an authorised person orders persons in a group to disperse.*

- It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by the PSPO or to fail to comply with a requirement to which the person is subject under the PSPO. By virtue of section 67 (2) of the Act 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 or a Fixed Penalty Notice may be issued by virtue of section 68 (1) of the Act up to a current maximum of £100.
- The PSPO shall come into operation on the 1st June 2017 and shall have effect for a period of 3 years.
- Any person who lives in the area of the PSPO or who regularly works in or visits that area may apply to the High Court to question the validity of the PSPO if that person believes that the authority did not have power to make the order or that a requirement in the Chapter of the Act relevant to the PSPO was not complied with. This application under section 66 of the Act must be made within six weeks of the date the PSPO is made.

The Common Seal of Exeter City Council
was hereunto affixed
in the presence of:



A handwritten signature in black ink, consisting of a large initial 'J' followed by a cursive name.

20th April 2017

SCHEDULE ONE

