

Appendix B: Draft PSPO

KETTERING BOROUGH COUNCIL ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59 PUBLIC SPACES PROTECTION ORDER

Kettering Borough Council in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

Kettering Borough Council (referred to hereafter as “the Council”) hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within the area shown and edged red on the plan annexed to this order (the Prohibition Area) unless otherwise specified

1.

a) Aggressive/assertive (commercial or charity collection or soliciting for money in the street).

Any person is prohibited, at any time, when within the Prohibition Area from, engaging in the collection or soliciting of money (commercial or charity and whether by way of immediate payment or the seeking of a standing order or direct debit authority) unless he is in possession of an authority from the Council to do so .

b) Consumption of alcohol on street

Any person within the Prohibition Area is prohibited from, at any time, consuming alcohol or having an open alcohol container after having been requested by an Authorised Officer to cease consumption or hand over the container, unless subject to exemptions listed in item 4 below.

c) Those under 18 in the area 11pm - 8am.

Any person in the Prohibition Area between the hours of 11pm and 8 am being unable to provide evidence that they are over the age of 18 must leave the Prohibition Area within a reasonable time after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area

d) Driving/using a car in an anti-social manner

A person in charge of a motor vehicle in the Prohibition Area is prohibited from:

- Running the engine or allowing it to be run in such a manner such that the noise causes a nuisance;
- Playing of music in the motor vehicle at such a level as causes a nuisance;
- Being in a group of more than 4 people in the vicinity of the motor vehicle;
- Behaving in a way likely to cause harassment alarm or distress to any person present at the time of the behaviour (including an Authorised Officer)
- Driving the vehicle in a manner that causes harassment alarm or distress to any person (including an Authorised Officer)

e) Obstructing the highway/or loitering

Any person is prohibited from being on the carriageway of a street in the Prohibition Area after having been required to remove himself from the carriageway by an Authorised Officer, save when on a recognised pedestrian crossing for the purpose of crossing the carriageway and following all light signals associated with it

f) Anti-social parking

Any person in charge of a motor vehicle in the Prohibition Area is prohibited from parking such that the side of the vehicle is adjacent to another motor vehicle parked parallel to the traffic direction (the Double Parking Prohibition)

g) Unauthorised distribution of printed material/leaflets

Any person is prohibited from distributing free printed matter in a council car park within the Prohibition Area without being in possession of an authorisation from the Council.

h) Misuse of Skateboards, bicycles and scooters

Any person is prohibited from, at any time, using a skateboard, bicycle, scooter or similar wheeled conveyance within the that part of the Prohibition Area shown edged *** on the plan

i) Begging on the Street

Any person on a street in the Prohibition Area is prohibited from, at any time, placing himself in a position to beg or solicit money.

j) Foul and abusive language

Any person in the Prohibition Area is prohibited from swearing, or shouting, in a manner causing harassment alarm or distress to any person present at the time (including an Authorised Officer)

2 Definitions

- a) Authorised Officer means a Police Constable, a Police Community Support Officer or an officer of Kettering Borough Council in possession of an authority to enforce this order
- b) Plan means the plan annexed to this order

3. Period for which the order has Effect

This Order shall come into force on and remain in place for a period of three years.

4 What happens if you fail to comply with this order?

If a person does anything that is lawfully prohibited by the this order, or fails to do something lawfully required by it, he commits an offence under section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 punishable by a level 3 fine being the sum of £1000 on the date of this order unless he has a reasonable excuse save that consumption of alcohol is not an offence unless the requirements of clause 3.1 (a) have been complied with..

4.1 If an Authorised Officer reasonably believes that a person is, or has been, consuming alcohol in the area covered by this order or intends to consume alcohol in such place or is in possession of an open container of alcohol in such place, the officer may:

- (a) require the person not to consume alcohol and
- (b) require the person concerned to surrender anything in his possession which is, or which the officer reasonably believes to be, alcohol or a container of alcohol.

5 Exemptions

A prohibition in this order on consuming alcohol does not apply to licensed premises as defined in section 62 of the Anti-Social Behaviour Crime and Policing Act 2004

6 Dated 2015 Signed

Information (not part of the order)

1. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100, failing which you may be prosecuted.

Appeals

Any challenges to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds:

- that the Council did not have power to make the order, or to include particular prohibitions or requirements;
- that one of the requirements of the legislation, for instance consultation, has not been complied with.

When application is made, the High Court can decide to suspend the operation of the order pending the court's decision, in part or in total. The High Court has the ability to uphold the order, quash it, or vary it.