

Antisocial Behaviour, Crime and Policing Act 2014

REDDITCH TOWN CENTRE PUBLIC SPACES PROTECTION ORDER 2023

Redditch Borough Council ("the Council") in exercise of the power under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied that the conditions set out in section 59 of the Act have been met make the following order. In that:

- *under s59(2a) the activities carried on in this public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, and*
- *under s59(3a) the effect of these activities is, or is likely to be, of a persistent or continuing nature, and as such*
- *under s59 (3c) justifies the restrictions imposed by the notice.*

The land ("the restricted area") described by the map below, being land in the area of responsibility of the Council, is land to which the Antisocial Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order.

The Order may be cited as the Redditch Town Centre Public Space Protection Order and shall come into force on [DATE] for a duration of 3 years.

The effect of the Order is to impose the following conditions on the use of the land and any person, within the restricted area, who continues to carry out activities from which they are prohibited commits an offence namely:

1. Alcohol Restriction

Within the restricted area, an Authorised Officer reasonably suspecting that a person is or has been drinking alcohol in the open air and is causing or is likely to cause a nuisance or disorder, can request that the person stop drinking; and/or surrender any container of alcohol in their possession or any container believed to have held alcohol, whether or not it has been opened and even if it is empty.

2. Intoxicating Substances

- (a) Persons within the restricted area will not ingest, inhale, inject, smoke or otherwise use intoxicating substances. Intoxicating substances being defined as any psychoactive substances with the capacity to stimulate or depress the

central nervous system as defined by the Psychoactive Substances Act 2016, but does not include tobacco, nicotine, e-cigarettes or prescription medication.

- (b) Persons within this restricted area will not have in their possessions any open containers of intoxicating substances as defined in paragraph 2(a) nor will they have any item that can be used to assist in the taking of intoxicating substances. This includes any device used for taking, smoking, inhaling or ingesting these substances; including needles unless packaged and sealed by the manufacturer and stored in a hard case.
3. No person shall urinate or defecate in any public place; this does not include public toilets situated within the restricted area.
 4. No person shall use any threatening, abusive, obscene or offensive language or behave in a disorderly, indecent or offensive manner likely to cause harassment, alarm or distress within the restricted area.

Penalties:

5. A person commits an offence by failing to comply with any prohibition or requirement in a Public Spaces Protection Order. For the purposes of the Order an Authorised Officer is a Police Officer, a Police Community Support Officer or an Officer authorised by Redditch Borough Council to enforce the penalties of the Order.

Any person who fails to comply with the instruction of an Authorised Officer to undertake or cease an activity within the restricted area, including to leave the area and not return for a set period, also commits an offence, namely:

- a) Any person within the area who, without reasonable excuse, fails to comply with the request of an Authorised Officer to dispose of alcohol and/or surrender any containers of alcohol that are in their possession including any containers believed to have held alcohol.
 - b) Any persons within the area who, without reasonable excuse, fails to surrender any open containers of intoxicating substances in their possession and/or fails to surrender any item used to assist in the taking of intoxicating substances and fails to comply immediately with the reasonable request of the Authorised Officer to secure safe disposal of any needles in their possession, not sealed and stored as directed in Paragraph 2(b)
 - c) Any person failing to comply with the prohibitions stated at Paragraph 3 and Paragraph 4.
6. A person guilty of an offence under conditions (a) (b) or (c) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.
 7. An Authorised Officer may also issue a Community Protection Warning to anyone believed to have committed an offence under section 63 in relation to this Order. Subsequent offences will result in a further Community Protection Notice leading to a summary conviction on breach.

8. Under section 50 Police and Reform Act 2002, if a Constable in Uniform has reason to believe that a person has engaged, or is engaging, in antisocial behaviour, they can compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is an offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.

Exemptions:

9. For the purposes of paragraph 1, the restricted area does not include any premises or its curtilage (i.e. a beer garden or pavement seating area) that is licensed for the supply of alcohol (other than council operated licenced premises). Also exempt are locations where a temporary event notice has been given under Part 5 of the Licensing Act 2003, or where the sale or consumption of alcohol is permitted by virtue of permission granted under section 115E of the Highways Act 1980.
10. For the purposes of paragraph 2 (a) (b), legitimate substances such as tobacco, nicotine, caffeine and medical products are removed from the scope of the Order, as are controlled drugs, which are regulated under the Misuse of Drugs Act 1971.

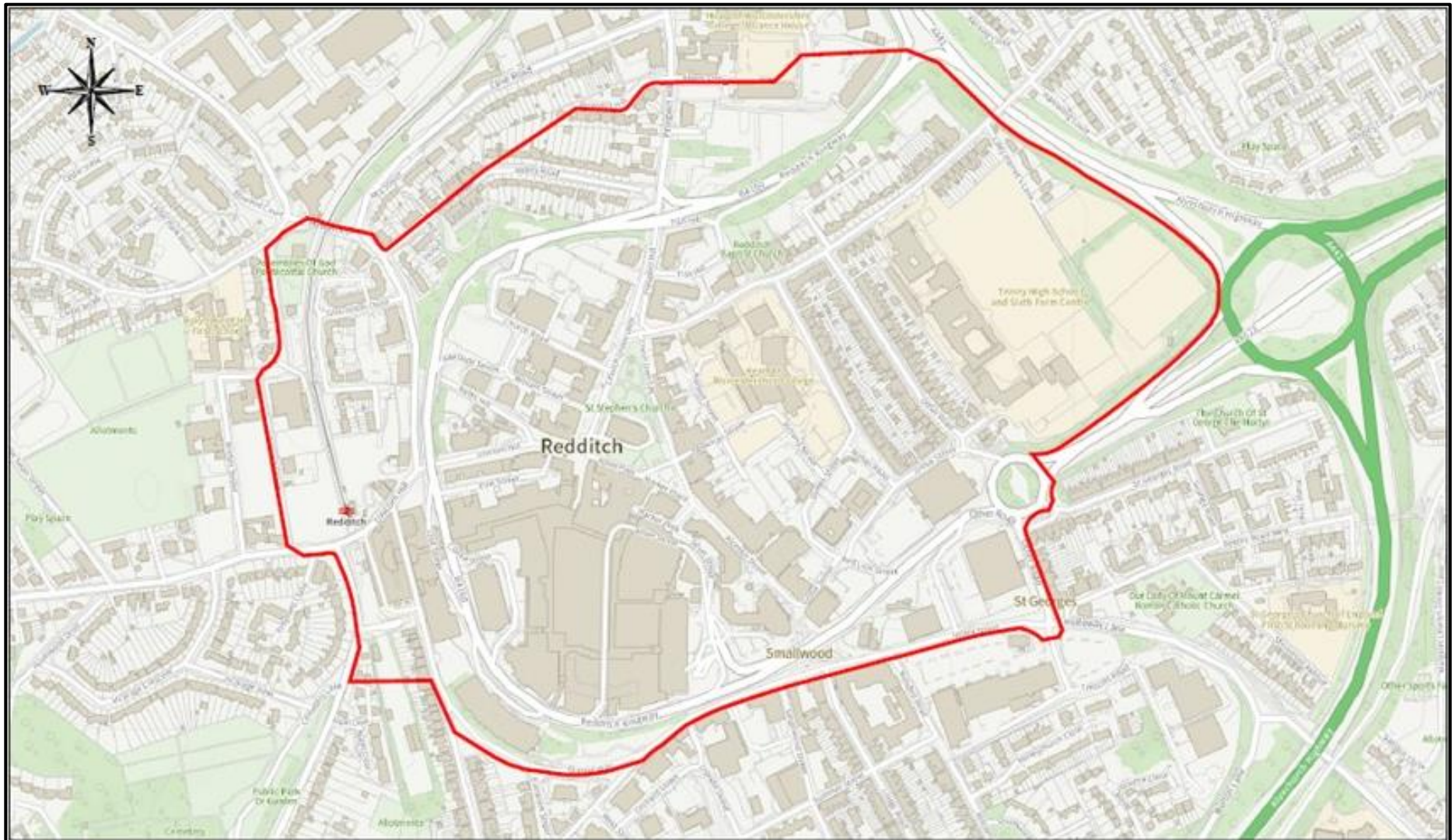
Appeals:



11. Under section 66 of the Act, an Interested Person may apply to the High Court to question the validity of a Public Space Protection Order. An "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

An application can be made on the following grounds:

- a) the local authority did not have the power to make the order or to include particular prohibitions or requirements imposed by the order, or;
- b) that the local authority did not comply with its duties under the Act in relation to the order (for example, failing to conduct consultation).

An application under this section must be made within the period of 6 weeks beginning with the date on which the order is made.



  Bromsgrove District Council www.bromsgrove.gov.uk	Project	Drawing:	Drawing No:	Drawn: JH	Engineering and Design Service Town Hall Walter Stranz Square Redditch Worcs B98 8AH © Crown Copyright and database rights 2023 Ordnance Survey 100024257
	Public Space Protection Area	Location Plan	P2030/338	Surveyed: OS	
				Scale: 1:6,000 @ A4	
				Date: Jul 2023	

Proposal to Introduce a Public Space Protection Order in Redditch Town Centre

Frequently Asked Questions

What are Public Space Protection Orders (PSPOs)?

These are areas where if antisocial behaviour has been causing nuisance and disorder Redditch Borough Council can protect the public space. In these areas police officers, police community support officers and officers with authorisation from Redditch Borough Council will be given certain powers to help tackle such behaviour.

In this case, officers can request people to stop drinking alcohol in the restricted area and ask them to surrender their drink and all containers. Anyone using intoxicating psychoactive substances can have their items confiscated and anyone behaving in a threatening, abusive or offensive manner can be asked to leave the area for a set period of time. Breach of a PSPO is a criminal offence and if a person refuses to comply, they can be issued a fixed penalty notice of up to £100 or they could be arrested. On conviction, the fine for breach of a PSPO is up to maximum of £1000.

Can I be stopped or arrested for drinking or carrying alcohol in this public space?

No, a PSPO does not make it illegal to carry or to drink alcohol in a public place. As long as someone is drinking responsibly and is not affecting other users of the space this is acceptable. For example, public spaces are sometimes used for events, fayres and markets where alcohol could be sold and consumed in the area. This activity is not affected by the PSPO unless a person causes antisocial behaviour, nuisance or disorder. Under these circumstances authorised officers will have the power to stop people drinking alcohol within the designated area and seize or dispose of their drink. Failing to comply with an officer's request to stop drinking and/or hand over alcohol is the criminal offence and the person could face a range of penalties.

Do the Police already have these powers?

The Police have powers to deal with serious disorder and public order offences and drug offences under the Misuse of Drugs Act 1971. However, some ASB does not fit within these powers and a PSPO gives authorised officers additional tools to act early in certain situations before ASB escalates and becomes more serious disorder. Where there is no PSPO in operation, it is not an offence to refuse to surrender alcohol, to carry psychoactive substances and items used to take these substances or to refuse an instruction to leave an area for a set period of time. However, any antisocial behaviour or disorder in certain circumstances could give cause for an arrest to be made by a Police Officer.

Will there be signs in Redditch Town Centre alerting people to the new PSPO?

Yes, Protected Public Space signs will be located in multiple places around and within the boundary to show that a PSPO is in place.

Will people still be able to drink or hold alcohol outside of pubs and clubs?

Yes. The PSPO does not make it illegal to drink alcohol within the boundary of a licensed premise. It only relates to a public space so if a person is drinking outside of the boundary of the licensed premise and begins to commit ASB, and they do not comply with the requests of the authorised officer, then they could be at risk of enforcement action.

Are licensed premises affected?

No. A PSPO only relates to alcohol consumption in a public area or space if ASB, nuisance and disorder is present. The ASB, Crime and Policing Act 2014 clearly states that licensed premises are exempt from the restrictions of a PSPO

What about street parties and events in the public space?

Events within a public space authorised by a premises license or a Temporary Event Notice (TEN) are able to take place within a PSPO area. However, anyone committing ASB, disorder or nuisance in the area or breaching any of the other restrictions placed by the Order could be at risk of enforcement action.

Is it already illegal to use drugs in public places?

There are some new drugs and substances that are not covered by the Misuse of Drugs Act 1971. These are known as intoxicating or psychoactive substances with the capacity to stimulate or depress the central nervous system and are defined by the Psychoactive Substances Act 2016. At this time it is illegal to sell these substances but not to possess them. The Government is planning legislation to close this gap but, in the meantime, the PSPO will make it an offence to possess any containers of these substances in the restricted area or to have any item that could be used for taking, smoking, inhaling or ingesting these substances.

Will there be any extra policing put in place to enforce the PSPO?

No. The Police will continue to patrol and respond to incidents as part of their community response, supported by officers authorised by the council where available.

Are there any time restrictions on a PSPO?

No. The PSPO will be in force 24 hours a day, 7 days a week. The PSPO will last for three years and can be extended following a review and a further consultation period. The PSPO can also be reviewed within the three year period if any of the restrictions need adjusting or new restrictions need to be added. Again, this would require a further consultation period of the changes or additions.

What are the benefits of a PSPO?

The main benefits of this proposed PSPO are to help tackle antisocial behaviour associated with street drinking, misuse of psychoactive substances and offensive, threatening behaviour that negatively affects other people using public spaces. PSPO can contain many different restrictions or requirements and they aim to ensure that the law-abiding majority can continue to use and enjoy public spaces, safe from antisocial behaviour, nuisance and disorder.

Other Information

If you or someone you know has an alcohol or drug related problem, there is help available at:

Cranstoun Drug & Alcohol Service
15 Alcester Street
Redditch
Worcestershire
B98 8AE

<https://cranstoun.org/help-and-advice/alcohol-other-drugs/worcestershire/>

Opening times:

9:30am to 5pm Monday to Friday excluding Bank Holidays

Call 0300 303 8200 to make an appointment at the Redditch Hub