## Appendix 1 – Current PSPO as implemented on 1st Jan 2024

REDDITCH BOROUGH COUNCIL

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# 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:

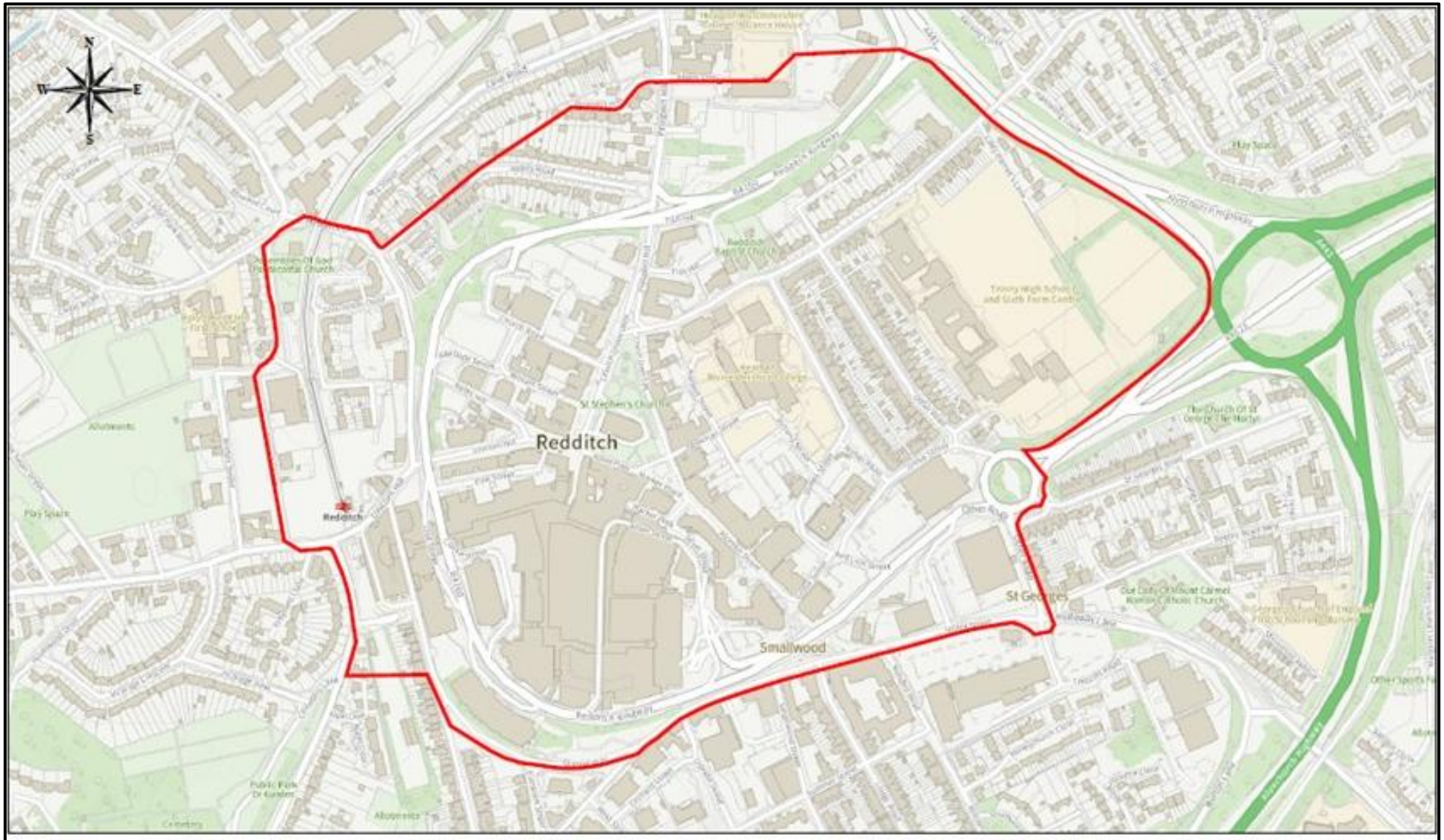
11. Under section 66 of the Act, an Interested Person may apply to the High Court to question the validity of a Public Space Protection Order. An "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

    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.




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Bromsgrove District Council

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| Project: Public Space Protection Area | Drawing: Location Plan | Drawing No: P2030/338 | Drawn: JH<br>Surveyed: OS<br>Scale: 1/6,000 @ A4<br>Date: Jul 2023 | **Engineering and Design Service**<br>Town Hall<br>Walter Stranz Square<br>Redditch<br>Worcs B98 8AH | © Crown Copyright and database rights 2023 Ordnance Survey 100024257 |