

PUBLIC SPACE PROTECTION ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTIONS 60 AND 61

The City of Stoke-on-Trent Public Space Protection Order (No.1) 2019

This Order may be cited as The City of Stoke-on-Trent Public Space Protection Order (No.1) 2019.

By operation of section 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") a Designated Public Place Order for Hanley City Centre transitioned to a Public Space Protection Order on the 20th October 2017 ("transitioned Public Space Protection Order 2017").

This Order is made by Stoke-on-Trent City Council ("the Local Authority") in the exercise of its powers under Sections 60 and 61 of the Act.

The Local Authority is satisfied on reasonable grounds that the activities identified in this Order have been carried on in a public space within the Local Authority's area, namely Hanley City Centre, Etruria (Retail Park), Hanley Park and Portland Street estate as marked by a thick red line on the map attached to this Order and hereinafter referred to as the Restricted Area, and that the activities have had a detrimental effect on the quality of life of those in the Restricted Area and that the effect of those activities is of a persistent or continuing nature and justifies the prohibitions imposed by this Order.

AND the Local Authority is satisfied on reasonable grounds that the prohibitions imposed by this Order are reasonable to prevent or reduce the detrimental effect and the risk of those activities from continuing, occurring or recurring within the Restricted Area.

AND the Authority is satisfied on reasonable grounds that extending the period for which the Order has effect is necessary to prevent the occurrence or recurrence or an increase in frequency after the date it is due to expire, of the activities within the Restricted Area as identified in this Order.

BY THIS ORDER the transitioned Public Space Protection Order 2017 is varied and extended as follows:

1. No person within the Restricted Area shall have in their possession an open vessel containing alcohol other than in the grounds of a licensed premises or in accordance with an organised licensed event.
2. No person within the Restricted Area shall beg in a manner which is likely to be intimidating or aggressive within 5 metres of a cash machine.
3. Any person within the Restricted Area is prohibited from causing or permitting an obstruction on the street, an area of green space or a public convenience after being requested to remove the obstruction by an authorised person.
4. Any person within the Restricted Area is prohibited from swearing or engaging in behaviour or using language in a manner that causes or is likely to cause harassment, alarm or distress.
5. The Restricted Area is widened to include the Portland Street estate.
6. From the 20th October 2020, this Order is extended for a further 3 years and will expire on the 1st October 2023 unless discharged before that date.

This Order will take effect from the 4th March 2019 pursuant to the decision taken by the Local Authority on the 21st January 2019.

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with prohibition 1) above, where:

A constable or authorised person reasonably believes that

- you are or have been consuming alcohol in breach of this order; or
- intend to consume alcohol in circumstances in which doing so would be a breach of this order

The constable or authorised person may require you -

- Not to consume, in breach of the order, alcohol or anything which is reasonably believed to be alcohol
- To surrender anything in your possession which is, or which is reasonably believed to be, alcohol or a container for alcohol.

It is an offence under section 63 of the Act for a person, without reasonable excuse to fail to comply with a requirement imposed by a constable or authorised person and will be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a Fixed Penalty Notice or both.

Failure to comply with prohibitions 2), 3) and 4) above, without reasonable excuse, is an offence under section 67 of the Act and you will be liable on summary conviction, to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice or both.

DURATION

At any point before this Order is due to expire the Local Authority can extend this Order by up to 3 years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in this Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, works in or regularly visits the Restricted Area. This means that only those who are directly affected by the prohibitions have power to challenge. Interested persons can challenge the validity of this order on two grounds: that the Local Authority did not have the power to make this Order or variation or to include particular prohibitions or requirements imposed; or that a requirement of Chapter 2 of the Act, has not been complied with in relation to this Order or variation.

Dated: 4th day of March 2019

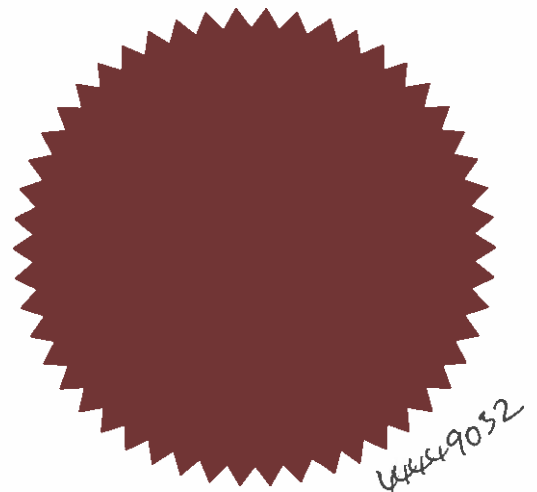
The Corporate Seal of the Council of
the City of Stoke-on-Trent

is hereunto affixed in the presence of:-

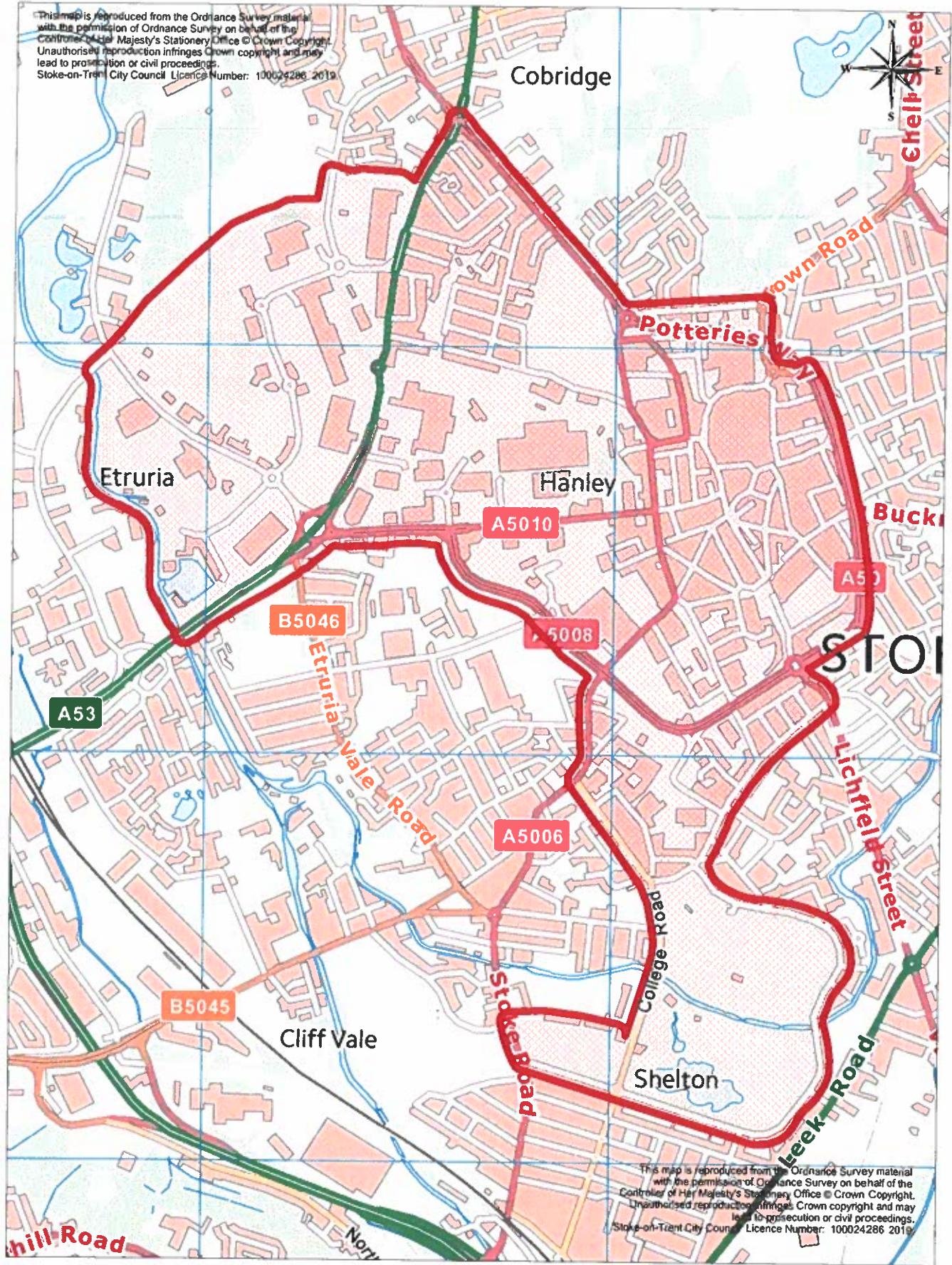
Authorised Signatory

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Authorised Signatory



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City of Stoke-on-Trent

Stoke on Trent City Council
Civic Centre
Glebe Street
Stoke on Trent ST4 1HH
UK

Scale	1:9000 @ A3
Date	13 Feb 2019
Drawn By	M Horwell
Drawing Ref	HPSP0
Revision	1