

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PART 4 SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

Tendring District Council (the 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:

This Order is made because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely the streets and public areas coloured red on the attached map at Appendix A.

- Have had or are likely to have a detrimental effect on the quality of life on those in the locality
- Are or likely to be unreasonable and
- Justify the restrictions imposed.

The Council is satisfied that the following activities have been or are likely to be carried out in the public space.

1. The Order applies to the public areas shown delineated by the black line on the document annexed (Annex A) to this Order and on the lists of Streets and Public Areas affected by the order (Annex B).
  - a) No person shall within the restricted area persistently beg. Persistent begging involves begging on more than one occasion and includes all passive and active methods used to receive alms.
  - b) No person shall within the restricted area sit in shop doorways on more than one occasion and loiter in the designated area on more than one occasion.
  - c) No person shall within the restricted area remain in a public toilet without reasonable excuse. Using a public toilet to sleep in is specifically included in this prohibition.
  - d) No person shall within the restricted area refuse to stop drinking or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to so by an authorised officer to prevent public nuisance or disorder.
  - e) No person shall within the restricted area carry out any form of graffiti by any means. This includes any form of art/drawing which is applied directly onto any highway or pavement.



2. Any person who without reasonable excuse fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction to a fine not exceeding level 2 on the standard scale.

3. **FIXED PENALTY**

A Constable or CSAS (Community Safety Accredited Scheme) Accredited Officer may issue a fixed penalty notice to anyone he or she believes is committing an offence. You will have 14 days to pay the fixed penalty notice. If you pay the fixed penalty within 14 days you will not be prosecuted.

4. **PERIOD FOR WHICH THE ORDER HAS EFFECT**

This order supersedes the Designated Public Spaces Order that has been in place since 2007. This Order will come into force on 1st July 2016 and lasts until the 31<sup>st</sup> June 2017

At any point before the expiry of this 12 month period the Council can extend the order by up to 3 years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

5. **CHALLENGING THE VALIDITY OF THE ORDER**

An interested person may apply to the High Court to question the validity of

- a) This Order, or
- b) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Tendring District Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

Signed: Delegated Officer: .....

Dated: .....