

APPENDIX 3 – Draft Public Spaces Protection Orders

- Draft Order for Gloucester City
- Draft PSPO replacing Gating Order for Organs Alley
- Draft PSPO for Alcohol Free Zone

PUBLIC SPACES PROTECTION ORDER 2018
GLOUCESTER CITY
Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014

Gloucester City Council (referred to hereafter as ‘the Council’) hereby makes the following Public Spaces Protection Order. The land described in Appendix Two being land in the area of the Council is land to which the Act applies and is protected by the Order (“Designated Area”)

This Public Spaces Protection Order shall come in to force on **date**** and remain in place for a period of three years**

The following prohibitions are imposed on the use of the Designated Area:

For the entire City, as specified in the map in Appendix Two:

1. Dogs on leads

- a) Dogs must be kept under control at all times. Any person in charge of a dog, at any time, must put the dog on a lead if requested to do so by an authorised person.
- b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children’s play park
- c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog

Unless subject to exemptions listed in Appendix One below.

2. Alcohol

Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

GENERAL PROVISIONS

- 1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.
- 2. “Authorised Person” means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

In issuing the order the authority is satisfied that:

1. (a) The named activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or
(b) It is likely that the named activities will be carried out in a public place within that area and that they will have such an effect

2. The effect, or likely effect, of the named activities:
(a) is, or is likely to be, of a persistent and continuing nature;
(b) is, or is likely to be, such as to make the activities unreasonable; and
(c) justifies the restrictions imposed by the notice

3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Executed as a Deed by THE COMMON SEAL of GLOUCESTER)
CITY COUNCIL being affixed hereto and authenticated by the)
undermentioned person authorised by the Council to act for)
that purpose:)
)
)

Authorised Signatory

Date: 2018

The Order can be seen atwebsite.....

Appendix 1

OBLIGATIONS ON PERSONS WITH DOGS

1. Fouling

If a dog defecates at any time on land to which this Order applies, a person who is in charge of the dog at the time must remove the faeces from the land immediately unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

2. Dogs on leads when directed

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an Authorised Person of the Authority to put and keep the dog on a lead unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An Authorised Person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. Dog exclusion in specified areas

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

4. Prohibition of alcohol consumption

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

- a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

5. Premises etc. to which alcohol prohibition does not apply

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

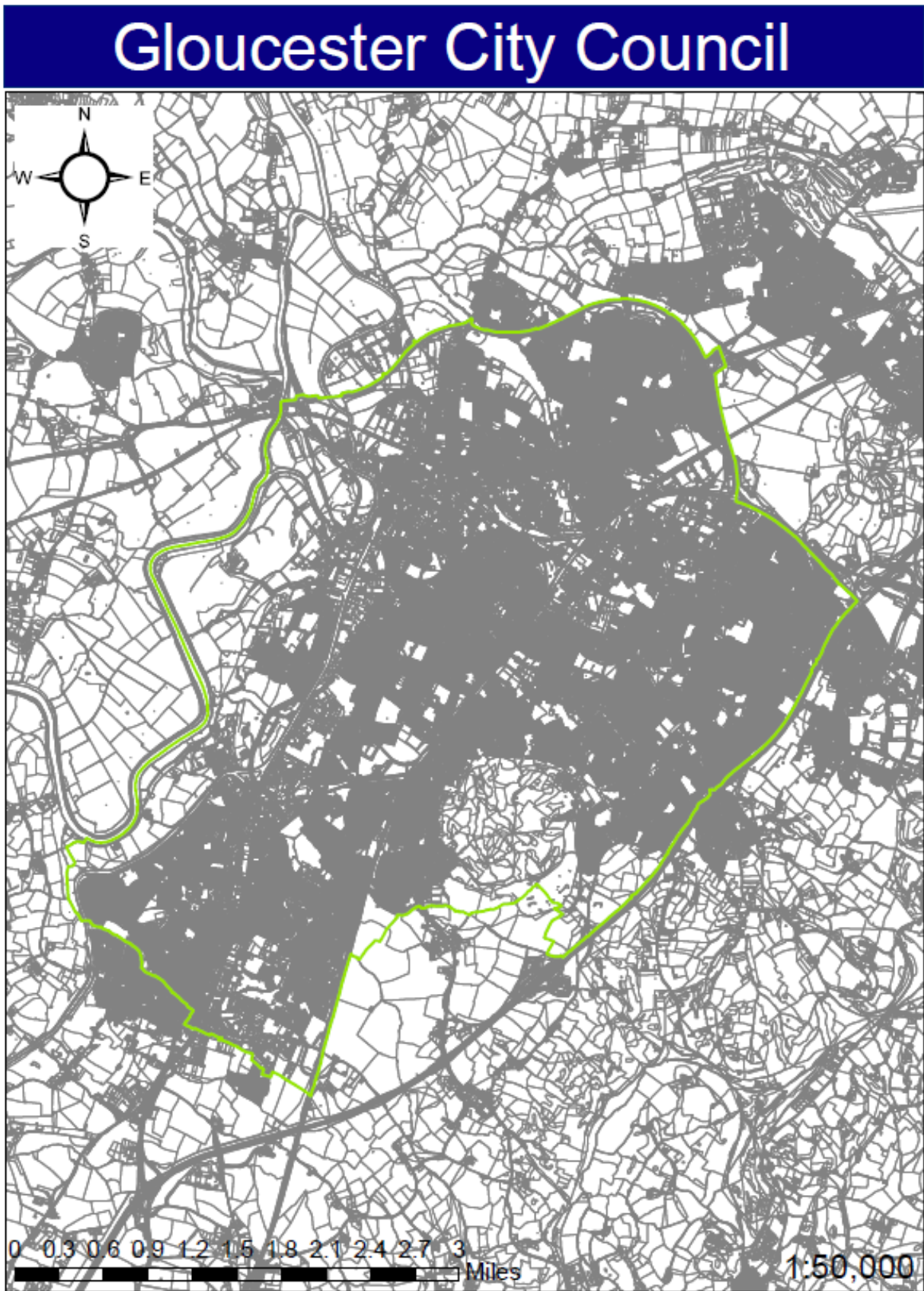
(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

- (a) when the premises are being used for the supply of alcohol, or
- (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
- (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

Appendix 2
Map of Gloucester City boundary



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GLOUCESTER CITY
Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014

Gloucester City Council (referred to hereafter as ‘the Council’) hereby makes the following Public Spaces Protection Order. The land described in Appendix Two being land in the area of the Council is land to which the Act applies and is protected by the Order (“Designated Area”)

This Public Spaces Protection Order shall come in to force on **date**** and remain in place for a period of three years** unless extended by further orders under the council's statutory powers.

This order relates to the footpath known as Organs Alley, (the alleyway between 97 and 99 Eastgate Street and 20 and 24 Russell Street) Gloucester.

The following prohibitions are imposed on the use of the Designated Area:

The public right of way over the highway shall be restricted at all times except for those persons listed in Appendix 1.

GENERAL PROVISIONS

1. **A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.

2. “Authorised Person” means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

3. This order authorises the retention of lockable gates at the affected highway to enforce the restriction of the public right of way.

4. Responsibility for the maintenance and operation of the gates will lie with Gloucester City Council at Herbert Warehouse, the Docks, Gloucester GL1 2EQ (contact Community Wellbeing Team on 01452 396396)

In issuing the order the authority is satisfied that:

1. (a) The named activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or
(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect

2. The effect, or likely effect, of the named activities:
(a) is, or is likely to be, of a persistent and continuing nature;
(b) is, or is likely to be, such as to make the activities unreasonable; and
(c) justifies the restrictions imposed by the notice

3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

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purpose:)

Authorised Signatory

Date: 2018

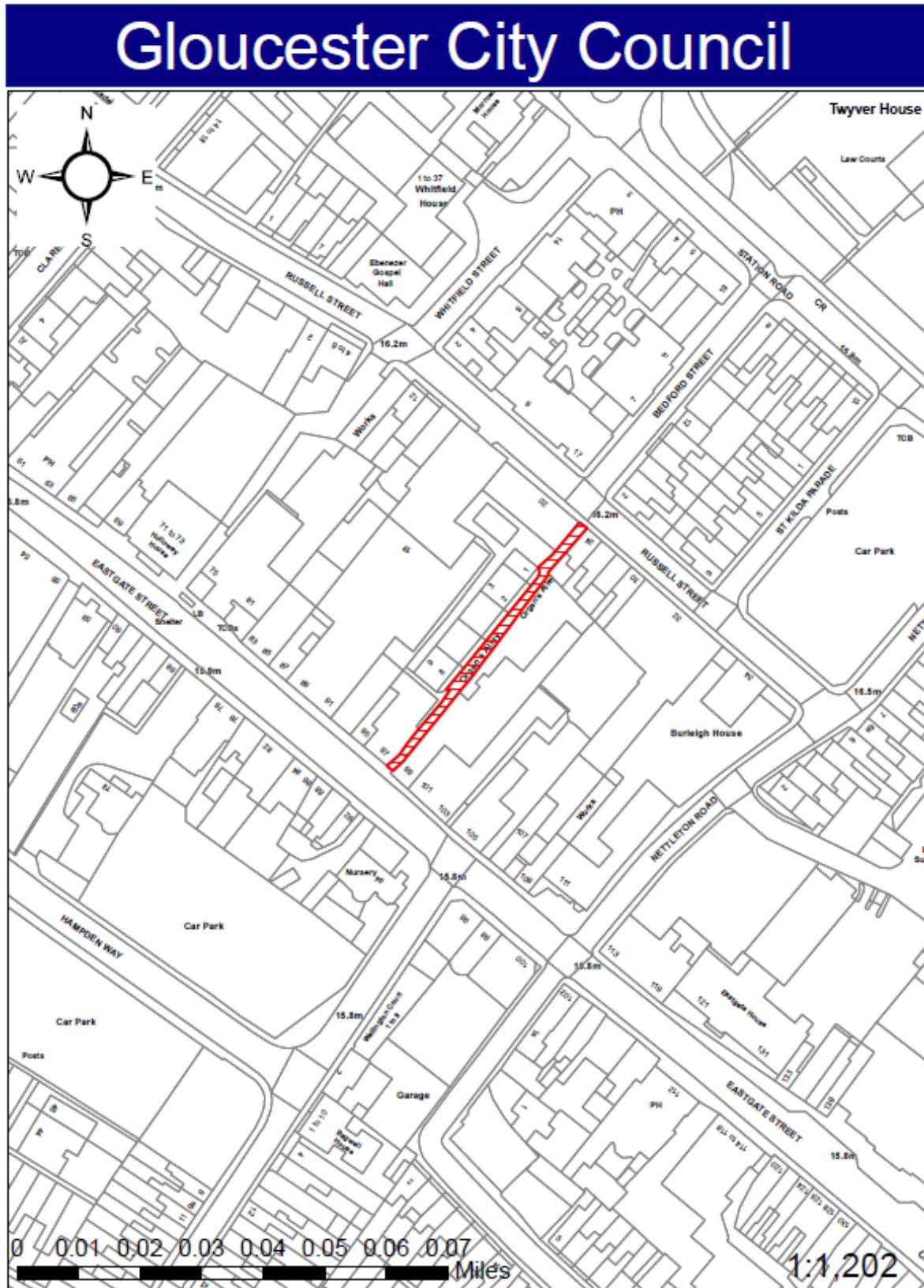
The Order can be seen atwebsite.....

Appendix 1

The public right of way over the highway shown in the attached plan shall be restricted at all times except for those persons listed below:

- a) Owners or occupiers of premises adjacent to or adjoining the highway affected by this order and who have been provided with a key by the Council.
- b) Fire brigade, Police or NHS staff when in the exercise of their duties.
- c) Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or telecommunications apparatus as defined in the Telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
- d) Council staff and authorised contractors when in the exercise of their duties.
- e) Persons using the highway with the permission of or on the direction of a duly authorised Council officer in this regard.

Appendix 2
Map of Organs Alley



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This Public Spaces Protection Order shall come in to force on **date**** and remain in place for a period of three years**

The following prohibitions are imposed on the use of the Designated Area:

For the City Centre area, as specified in the map in Appendix Two:

1. Alcohol Free Zone

No person shall consume alcohol in the restricted area

Unless subject to the exemptions listed in Appendix One below.

GENERAL PROVISIONS

1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.

2. “Authorised Person” means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

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The constable or authorised person may require that person:

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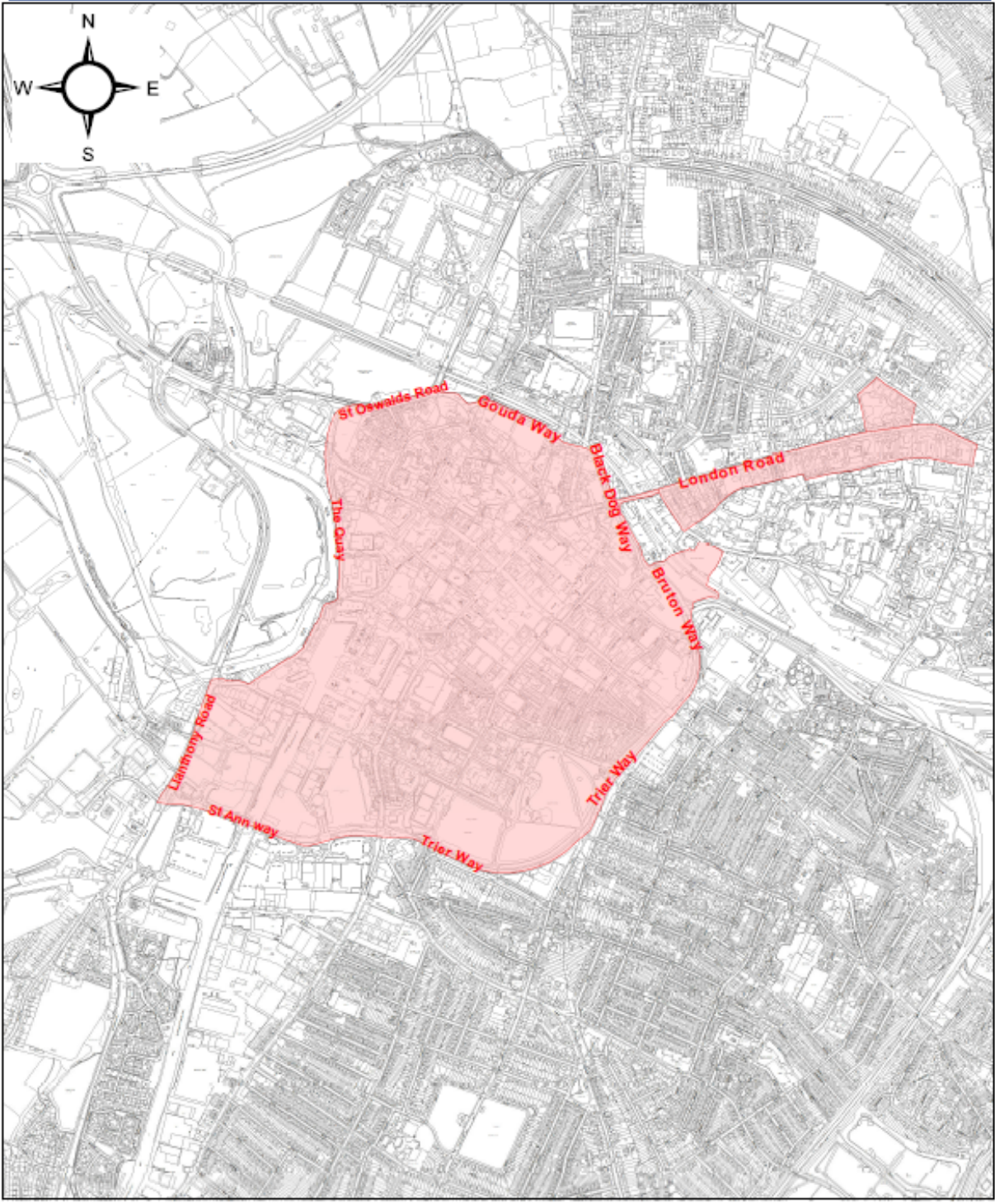
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- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
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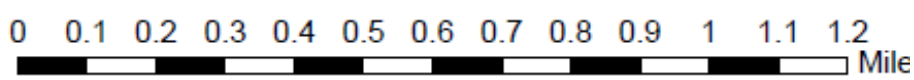
Appendix 2

Gloucester City Council



PSPO Consultation map

Created 24.05.2018



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