

## **Brentwood Borough Council**

### **PUBLIC SPACES PROTECTION ORDER**

**Anti-social Behaviour, Crime and Policing Act 2014**

#### **Brentwood Town Centre**

1. Brentwood Borough Council (herein 'the Council') makes this Order pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('Act').
2. **The Order takes effect on xxxxxxxx 2017 and will remain in force for three years thereafter.**
3. **The Council is satisfied** on reasonable grounds that:

(a) Activities as described in section 4 below ('the activities') carried out in a public place within its area have had a detrimental effect on the quality of life of those in the locality and/or

(b) It being likely that the activities will be carried out in a public place within that area and that they will have such an effect:

**And that** the effect or likely effect of the activities

(a) Is or is likely to be of a persistent or continuing nature

(b) It or is likely to be such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the Order

**And** pursuant to the requirements of S72 of the Act the Council:

(a) Having had particular regard to the rights of freedom of expressions and freedom of human assembly set out in Articles 10 and 11 of the European Convention of Human Rights; and

(b) Having carried out the necessary consultation, notification and publicity

The effect of this Order is to restrict the activities listed below in the public place described as shown in red on the attached map annexed to the Order. This will be known as “the Restricted Area”.

**4. The activities carried out are as follows:**

1. Speeding
2. Racing
3. Performing stunts
4. Sounding horns (as to cause public nuisance)
5. Revving engines
6. Wheel Spins
7. Playing music (as to cause public nuisance)
8. Using foul or abusive language
9. Using threatening, intimidating behaviour towards another person
10. Creating excessive noise
11. Creating danger or risk of injury to road users including pedestrians
12. Creating significant harm
13. Creating public nuisance
14. Creating significant annoyance to the public
15. Engaging in anti-social behaviour covered by existing legislation
16. Committing traffic offences covered by existing legislation
17. Aggressive begging
18. Graffiti
19. Trading goods without a license
20. Obstructing public officers from carrying out their duties
21. Misuse of skateboards, bicycles and scooters
22. Sleeping on the street when accommodated
23. Urinating or defecating in public places
24. Using so called legal highs

**5. Conditions in the Order which are prohibitions under section 59 (4):**

(a) In the Restrict Area a person commits an offence if, without reasonable excuse, he or she continues to carry out activities which, by the Order, are prohibited, namely:

- (i) Participating in car cruising activity as a passenger or driver of a vehicle within the Restricted Area
- (ii) Congregating and loitering in groups and engaging in behaviour which is likely to cause harassment, alarm or distress
- (iii) Begging within the Restricted Area in a manner that is aggressive or intimidating or which harasses members of the public
- (iv) Ingesting, injecting or smoking any substance which has the capacity to stimulate or depress the central nervous system within the

Restricted Area unless the substance is used for valid and demonstrable medical purposes

- (v) No person shall within the Restricted Area carry out any form or graffiti on any surface by any means
- (vi) No person shall deposit litter in the Restricted Area
- (vii) No person shall within the Restricted Area urinate or defecate in a public place, which includes doorways or alcoves of any premises to which the public would normally have access
- (viii) Any person is prohibited from, at any time, using a skateboard, pedal cycle or scooter in a way that may damage property or cause nuisance or annoyance
- (ix) Any person is prohibited from sleeping in any public space if they have accommodation. This includes open to the air, within a vehicle, or a non-fixed structure including caravans and tents

## **6. Offences**

- (a) Failure without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Act. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (b) A constable or an authorised person may under section 68 of the Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

## **7. General**

- 1) The Council is satisfied that the conditions set out in sections 59,64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area.
- 2) For the purpose of this Order, 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as to right or by virtue of express or implied permission.
- 3) An authorised officer means an employee of the Council, a person designated by the Council, or a Police Officer.
- 4) An 'interested person' (as defined in section 66 (1) of the Act) may apply to the High Court to question the validity of this Order or any variation thereof on the grounds specified in section 66 (2) of the Act within 6 weeks of the date of the Order or any subsequent variation.

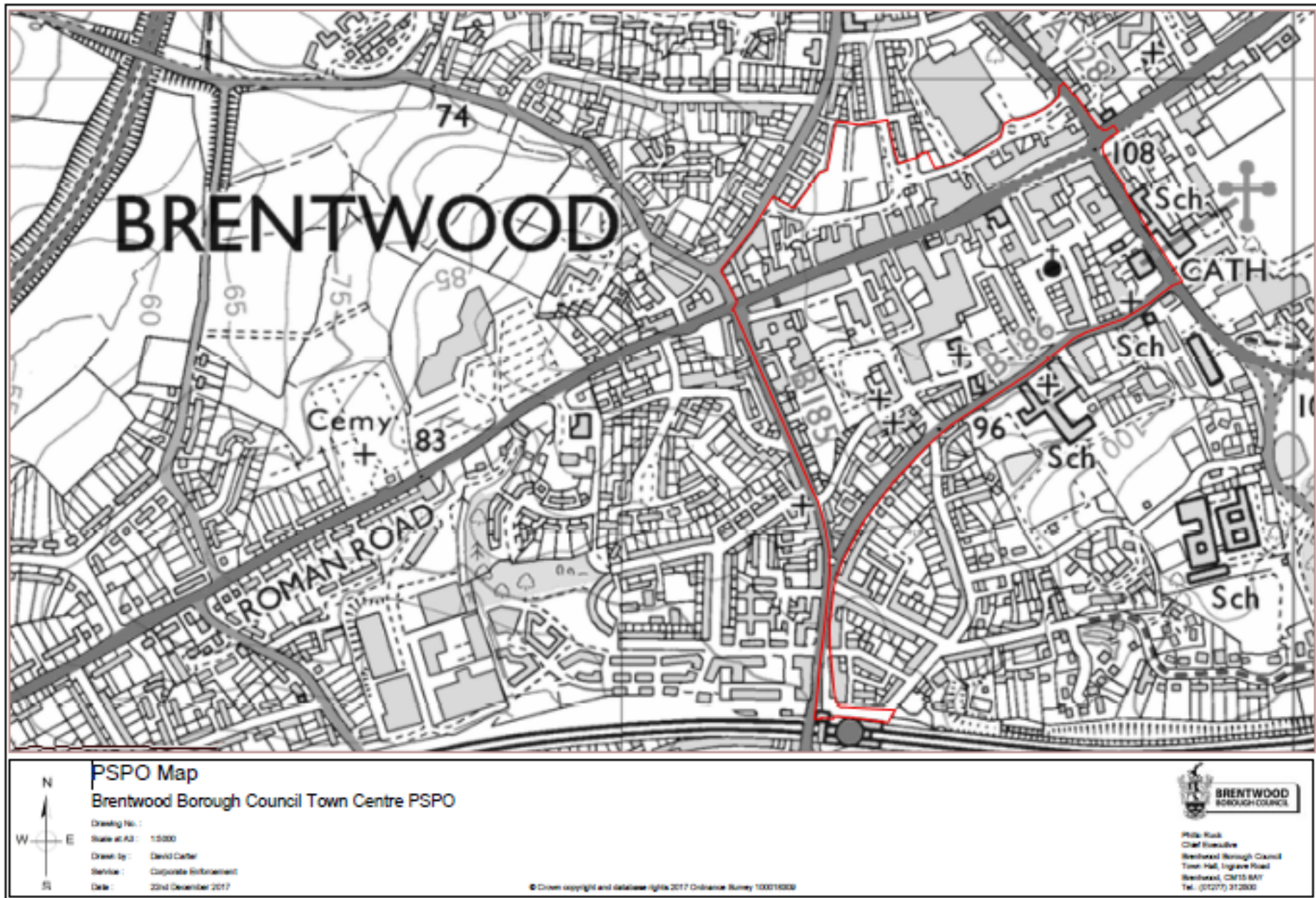
Dated this xxxxxxxx day of the xxxxxxxx, 2017

By authority of Brentwood Borough Council under section 101 of the Local Government Act 1972

Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

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# Annex A



## PSPO Map

Brentwood Borough Council Town Centre PSPO

Drawing No.:  
Scale at A3: 1:5000  
Drawn by: David Carter  
Service: Corporate Enforcement  
Date: 22nd December 2017



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