

Title – Public Spaces Protection Order (PSPO) for Rotherham Town Centre.

Directorate – Regeneration and Environment

1. Background

- 1.1 Concerns have been raised from town centre businesses; the public; Ward Members; partners; public forums; the Town Centre Partnership Group and others regarding anti-social behaviour (ASB) in Rotherham Town Centre. The identified issues relate to persistent street drinking; littering; dogs running free (unleashed); people sleeping rough; rowdy and inconsiderate behaviour and drug related issues.
- 1.2 Formal data has been supplied by South Yorkshire Police's Force Intelligence Unit (see appendix 1) and the Community Protection Unit within RMBC. In both instances data is provided for 2014, 2015 and 2016.
- 1.3 Data from the Force Intelligence Unit informs us that there were 824 reports of ASB incidents in the town centre throughout 2016, an increase on the annual mean number of incidents of 742. (2014/15 saw a 19% increase with 2015/16 saw a further 6% increase)
- 1.4 The vast majority of ASB related incidents (approximately 93%) takes place during the daytime (6am-6pm) with only 7% related to the night-time economy. The timing of the majority of incidents therefore has the potential to effect more people (such as shoppers, families and students) using the town centre as well as businesses near to known hotspots.

2. Anti-Social Behaviour

- 2.1 ASB impacts on different people in different ways and is usually perpetrated by the minority. In residential areas its affects intrude into the family and home life of individuals; diminishing any sense of community, feeling of safety and overall physical and mental wellbeing. While the town centre does have a small residential population, ASB in this location generally has an overarching impact on local businesses by reducing the visiting number of shoppers. This in turn makes the town centre less appealing to new business ventures, commercial growth, the creation of new jobs, prosperity and general appearance of the main commercial centre.
- 2.2 Whilst ASB is subjective in that it affects different people in different ways, consideration has to be given by the Council to those that are most threatened by it. The proposed PSPO advocates for those individuals by clearly defining what behaviour the Council is willing to accept and what it is not; and to put in place the appropriate enforcement resources with its partners to supervise the Order.

3. Public Spaces Protection Orders (PSPO)

- 3.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) enables Local Authorities to address issues of ASB in public spaces by the use of a (PSPO)
- 3.2 The proposed PSPO for the town centre serves to address the climate of this area by targeting those individuals and groups that have consistently behaved badly. The PSPO supports the Council Theme Boards (such as the SRP, Business Growth Board and Place Board) as well as several strands of the Corporate Vision.
- 3.3 PSPO's are designed to make public spaces more welcoming to the majority of law abiding people. The Orders are intended to deal with specific nuisances within a defined area. Such issues must be, or are likely to be, detrimental to the quality of life of local communities. PSPO's introduce conditions on the use of that area which can be framed to apply to everyone or just persons within a certain category. Likewise, the prohibitions may also apply to all times of the day or night or can be framed to specific times and circumstances. For the purposes of creating a clear and consistent message, most PSPO's that seek to address the complex issues of a town centre apply prohibitions to everyone and at all times and in all circumstances.
- 3.4 Very often the climate of an area cannot be measured using quantitative statistical data alone, but is reliant on the anecdotal qualitative experience of stakeholders. Therefore, the evidence used to shape the prohibitions of a given PSPO can be used both to address actual ASB incidents as well as those aspects that are difficult to measure; relating more to the way the town centre feels and is perceived by those visiting it.
- 3.5 The Act allows the relevant Authority to design bespoke prohibitions to address the specific issues in each location. A range of prohibitions for each location is highlighted in appendix 2 and should be used as the basis of the formal consultation process.
- 3.6 The PSPO will last for 3 years, but at any point before it expires can be extended for a further 3 years. The flexibility of the Act allows Orders to be varied to include other types of ASB that may not be an issue at the time a PSPO begins, but go on to become a problem in the future.
- 3.7 A Council may make a PSPO if it is satisfied, on reasonable grounds, that two conditions are met:

“That activity within in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on 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 is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice” (s59; ASB Crime and Policing Act)
- 3.8 The Act states that, “It is an offence for any person, without reasonable excuse, to do anything that the person is prohibited from doing by a PSPO; or fail to comply with a requirement to which the person is subject under a PSPO”
- 3.9 Therefore, a person only commits the offence of breaching a PSPO should their behaviour directly contravene at least one of the conditions of the Order. A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not include.

- 3.10 The enforcement tools available when dealing with those individuals that breach a PSPO start with the issuing of a Fixed Penalty Notice (FPN) of £100. The Council will need to decide the time period that it will allow such payments to be made, with current good practice being 14 days. The Council may also wish to explore the possibility of offering a reduced penalty charge (in a similar vein to Parking tickets) for payments made promptly within 10 days. Formal prosecution at Court would only be sought in those instances when no payment of the FPN has been received.
- 3.11 The Act stipulates that an FPN can be issued by a Police Officer; PCSO; Council Officer or other person designated by the council. Payment of the FPN would discharge any liability to conviction for the offence. Where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).
- 3.12 Where an individual has demonstrated a further breach of the prohibitions which relate solely to alcohol, then the Council may prosecute under Section 63 of the Act. Where an individual is found liable on summary conviction, a fine not exceeding level 2 on the standard scale (Criminal Justice Act) would be levied. In real terms this would be £500 or under.
- 3.13 Where an individual has demonstrated a further breach of the prohibitions other than those that relate to alcohol use, then the Council may prosecute under Section 67 of the Act. Where an individual is found liable on summary conviction, a fine not exceeding level 3 on the standard scale (Criminal Justice Act) would be levied. This would be £1000 or under.

4. Proposed Order

- 4.1 Following discussion with the relevant portfolio holder, alongside informal cabinet, the following prohibitions were approved for consultation, covering Rotherham Town Centre;
- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - B. Drinking alcohol other than in a licenced premises or event.
 - C. Spitting saliva or any other product from the mouth
 - D. Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
 - E. Failing to keep a dog on a leash and under control
 - F. Using or carrying controlled drugs otherwise than in accordance with a valid prescription
 - G. Littering
 - H. Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
 - I. Urinating or defecating in a public place

4.2 Information in relation to the reasoning behind each prohibition alongside any considerations to date is outlined in the table below;

No.	Prohibition	Rationale and benefits (opportunities)	Other considerations (threats)
1	Behaving in such a way and/or using language that causes, or is likely to cause, harassment, alarm or distress to another person.	<p>The rowdy or inconsiderate behaviour of individuals causes distress to passer-by's, causing some pedestrians to avoid certain areas or take different routes through the town centre. This perception remains true even when the rowdy behaviour is not directed at members of the public but is instead taking place between individuals known to each other.</p> <p>Rowdy behaviour is amplified when it is displayed by a group. This can cause visitors to become fearful and chose to avoid the town centre altogether; leading to a significant effect on local business revenue while simultaneously damaging the reputation of the borough.</p> <p>Rotherham is regenerating. The consultation carried out in the development of the Rotherham Plan reflects how the climate and feel of the town centre is perceived. This prohibition attempts to address some of those issues; taking deliberate steps to shift away from the prejudices of the few. It unashamedly challenges any unacceptable behaviour that causes, or could cause, alarm and distress to the majority.</p> <p>For the purpose of the consultation process, several examples of behaviour (such as hate crime) will be given.</p>	<p>This is a wide ranging prohibition and attempts to address any bad behaviour and bad language.</p> <p>Of issue maybe the interpretation of what constitutes bad language. In itself, language can be subjective; in other words what offends one person or generation may be acceptable to another. For this reason, the prohibition does not suggest that language must be 'foul or abusive' to breach the Order; instead opting to consider any language that could potentially cause alarm or distress.</p>

2	Drinking alcohol other than in a licenced premises or event.	<p>Drinking intoxicating liquor in public can negatively affect the climate of a given area. It adds to the feel that Rotherham town centre is not a safe place to be as alcohol is often associated with brash and leery behaviour.</p> <p>The drinking of alcohol has been tolerated and it has now become the norm for some individuals to become intoxicated. Known street drinkers have been involved in fights where alcohol has clearly had a catalytic effect and this prohibition challenges the current norm that drinking in a public place will be tolerated. The PSPO reinforces the Councils drive to make Rotherham a safe place to be both in perception and in reality.</p> <p>The perceived link between alcohol usage and criminality increases as more individuals and groups are seen drinking. Anecdotal evidence informs us that areas of the town centre (such as Church Gardens and Bridgegate) see families of shoppers hurrying past street drinkers, even circumnavigating known areas where such drinkers gather. This is because the drinking of alcohol has been ignored and it has now become the norm for some individuals to become highly intoxicated. Street drinking feeds the perception that Rotherham public standards are low; that it is an issue that remains unchallenged to the betterment of the town.</p>	<p>Consideration was given to Clifton Park where families may drink alcohol during a picnic.</p> <p>However, creating such a location within the PSPO area where drinking is acceptable may also attract those that drink and cause ASB.</p> <p>To that end, the Council seeks to deliver a consistent message within the prescribed PSPO area; that drinking alcohol (other than in a licenced premises or event) is prohibited.</p>
3	Spitting	<p>Like rowdy behaviour, this may not be directed at a specific member of the public, but it is behaviour that the majority find abhorrent. It feeds the misconception that Rotherham feels unsafe; that perceived ASB goes unchecked. Including spitting in the consultation process will serve to confirm or deny the assumption that spitting is unacceptable.</p>	<p>Spitting is an issue that many find offensive, however subcultures of certain demographics (such as young people) may spit due to habit rather than to cause alarm. It is therefore probable that this prohibition would require a level of education and engagement.</p>

4	Face to face fundraising and marketing, carried out by organisations without permission of the Council.	The face to face fundraising carried out by organisations often involves asking passer-by's to donate or register their banking details to make monthly donations. It can be seen as an annoyance to shoppers and the PSPO will seek to prohibit this method of marketing unless it is done in accordance with a scheme operated by, or expressly approved by, the Council.	This type of marketing is carried out by commercial businesses as well as charities seeking to fund raise. Therefore adding this activity to the list of prohibitions within the PSPO may have implications with those that support certain charities. It is therefore important to measure public sentiment through the consultative process.
5	Failing to keep a dog on a leash and under control.	<p>Dogs roaming free, even at the side of their owners, is something that is often seen in the town centre. This can cause intimidation to those using the town centre that are affected by cynophobia (fear of dogs) Approximately 11% of individuals in the UK are affected by this condition, something that is exasperated by dogs running free rather than on a lead.</p> <p>Along with traffic; busy pedestrian areas and the interchange; the town centre does not afford an ideal environment for dogs not under proper control.</p>	<p>For the purpose of the PSPO, consideration was given to Clifton Park where responsible owners let their dogs off the lead to play and exercise.</p> <p>The Act makes provision to have different defined areas where some prohibitions are enforced and others not.</p> <p>In this instance, the Council will add a caveat to the PSPO that allows owners of dogs to exercise their pets off of the lead in the green spaces of Clifton Park. However, the wet play area, climbing area, skate park and children's play area will remain areas where dogs must be returned to being on a lead.</p>

6	Using or carrying illegal drugs	<p>This is an issue that is not at first obvious to most members of the public visiting the town centre. It usually involves individuals that are known to each other and seldom involves the average shopper.</p> <p>However enforcement agencies understand how the town centre is the ideal place for those that are selling drugs and those that are looking to buy can come together. The town centre also provides an environment where drug related crimes (such as shoplifting and robbery) can take place to fund such a habit.</p>	<p>Current legislation (such as the misuse of drugs Act (1971) may be considered sufficient to deal with those individuals transporting and using illicit substances. This includes psychoactive substances (once referred to as 'legal highs') that are now also classed as an illegal drug.</p> <p>Including the use of drugs in the PSPO is proportionate, even though current legislation exists to deal with such offences. The PSPO is designed to be an early intervention tool; too robustly challenge the use of drugs that would perhaps be discharged by use of a street caution.</p>
7	Littering	<p>Littering is a behaviour that is perpetrated by the few but affects all by blighting the way a location appears. It includes cigarette stubs and chewing gum as well as the more obvious paper and food packaging. Addressing the problem is resource intensive and the costs are impactful on the available finances of the business.</p> <p>Currently, RMBC works in partnership with Kingdom who have 2 officers deployed to enforce against littering in the town centre using the Environmental Protection Act (EPA)</p> <p>The EPA allows RMBC to issue on the spot fines of £80 for littering offence. Enforcing this prohibition through the PSPO rather than the EPA would see this rise to £100 per breach.</p>	<p>Littering is currently addressed using the EPA and enforcement is carried using the authorities partnership with Kingdom. The PSPO is therefore unlikely to be of detriment to this partnership.</p>

8	Using a vehicle to cause a nuisance.	<p>Using a vehicle in an anti-social manner undoubtedly leaves people feeling alarmed and distressed. This applied to pedestrians and other road users.</p> <p>This prohibition seeks to try and advocate for the many that do not cause a nuisance by highlighting what behaviour is acceptable for those using vehicles in the town centre.</p> <p>The Council seeks to include this prohibition to the PSPO to address issues relating to:</p> <ul style="list-style-type: none"> • Revving engines • Sudden rapid acceleration • Racing • Leaving the engine running while parked • Performing stunts • Playing amplified music • Causing obstruction on a public highway. • Throwing items from car windows <p>The Council may wish to take a more targeted approach in partnership with the Joint Specialist Operations Unit (including the Road Policing Team); robustly dealing with key offences on the highway such as causing an obstruction and speeding.</p>	<p>This prohibition primarily seeks to address problems caused from moving vehicles.</p> <p>However, groups of drivers in specific locations (such as outside the Town Hall or at McDonalds in Canklow) may cause issues while parked up (such as littering or loud music). The Council therefore may wish to deal with these issues using other prohibitions.</p> <p>Prohibiting the revving of engines may raise objections from the several garages within the proposed PSPO area; as it would not be unreasonable to assume that their work would require the revving of car engines on some occasions.</p> <p>To that end, the consultation documents will clarify that that this prohibition applies principally to drivers, rather than businesses associated with car maintenance.</p>
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9	Urinating or defecating in a public place.	This is an issue that often relates to those with an alcohol or drug dependency; where chronic use of such substances can cause acute incontinence.	<p>Including such a prohibition in the PSPO could infer that this is a widespread issue in Rotherham and as such, potentially damage the reputation of the town.</p> <p>Thankfully, public defecation is a rare occurrence and could possibly be dealt with using the first prohibition within the proposed order; namely that it is behaviour that is likely to cause alarm to another individual.</p>
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5. Consultation

5.1 Alongside the above conditions, the Act also stipulates Councils conduct '*necessary consultation and necessary publicity, and the necessary notification*' prior to making an order.

5.2 Under the terms of the Act, the necessary consultation means consulting with;

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

5.3 The necessary publicity means;

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

5.4 The necessary notification means;

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area Councils are furthermore required to consult with landowners, as far as is reasonably practicable.

5.5 In order to fulfil the above consultative requirements, the Council are undertaking a full public consultation, which commenced on the 19th July 2017 and will close on the 19th August 2017.

5.6 The consultation will be undertaken primarily using the Councils website. This will both inform the public of the Councils intention to implement the PSPO as well as inviting feedback in the form of a questionnaire and comment box.

5.7 The Community Safety Unit also placed information in key businesses in the town centre, mirroring the information provided to the local press by the Councils Communication Team. In both instances, members of the public were signposted to the Website to leave feedback.

- 5.8 A Members Seminar was held in the Council Chambers on 1st August 2017 at 9am so that Elected Members were fully briefed on the aims and objectives of the PSPO. As well as Elected Members, public forums and tenant and resident groups also provide ideal links into the communities to promote the understanding of the PSPO and invite feedback in return.
- 5.9 Two informal drop-in sessions will also be promoted using social media. The first was a stall in the town centre and took place on Tuesday 1st August 2017 where the thoughts of young adults were sought in particular. The second will be held in the café area of Riverside House on Thursday 10th August 2017. The Community Safety Unit will act as a central hub to gather and analyse any feedback received. Key partners were also formally written to in order that they may share their views, alongside any bodies representing local businesses.
- 5.10 Informing RMBC Officers of the PSPO and the associated consultation period was done through internal email and staff briefings. Likewise, strategic and operational briefings with key partners provided an ideal platform to promote the PSPO and highlight the consultation period. A key partnership in terms of enforcing the PSPO is with South Yorkshire Police. Therefore, the THRIVE (a multi-agency operational meeting to address community safety) meeting provides the ideal forum to discuss, monitor and plan the necessary resources. The PSPO is currently on the agenda of these weekly meetings and is attended by the town centre Inspector. The Borough commander was also formally written to, as referenced above.
- 5.11 A summary of the consultation will be presented to Cabinet as an additional appendix following analysis.

5. Key actions and relevant timelines

- 5.1 Consultation launched – 19th July 2017
- 5.2 OSMB – 2nd August 2017
- 5.3 Consultation closes – 19th August
- 5.4 Cabinet for decision – 11th September 2017

6. Recommendations

Scrutiny committee are invited to comment on the proposed prohibitions and scope of the PSPO.

7. Appendix

Appendix 1	Force Intelligence data (2014-16)
Appendix 2	Proposed PSPO for the town centre & Clifton Park

8. Name and contact details

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Appendix 1

Force Intelligence Data (1/1/14 – 31/12/16)
Rotherham Town Centre.

Title – Public Spaces Protection Order (PSPO)

Directorate – Regeneration and Environment



Force Intelligence Analyst Unit

ASB Data for PSPO Applications			
Compiled by	Jessica Waring	Owner	Steve Parry (RMBC)
EXT	01709 832730	Ref	AN17FEB22
Data Period	01/01/2014 to 31/12/2016	Protective Marking & Handling	Official
Aim & Purpose	The aim of this report is to provide details of ASB incident volumes reported to SYP. The purpose is to assist with the application for PSPO in five pre-defined areas.		
Sources & Parameters	Data is extracted from ProCAD. Details of the parameters used for data extraction are detailed in the methodology section.		
Limitations	<p>Due to the methods of data extraction and anomalies with the geocoding of data, any figures provided within this report should be treated as unaudited. The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so.</p> <p>This report is the position of the South Yorkshire Police as of 27th February 2017. The data used within this report was sourced from ProCAD and was extracted on 27th February 2017. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information.</p> <p>Of the data extracted the following percentages of geocodes were found to be recorded: ASB 100%</p> <p>All the maps within this document, original representations or otherwise, are reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. SYP Licence No. PA 0103. Geocoding is not always accurate and as such there may be anomalies in the data.</p>		

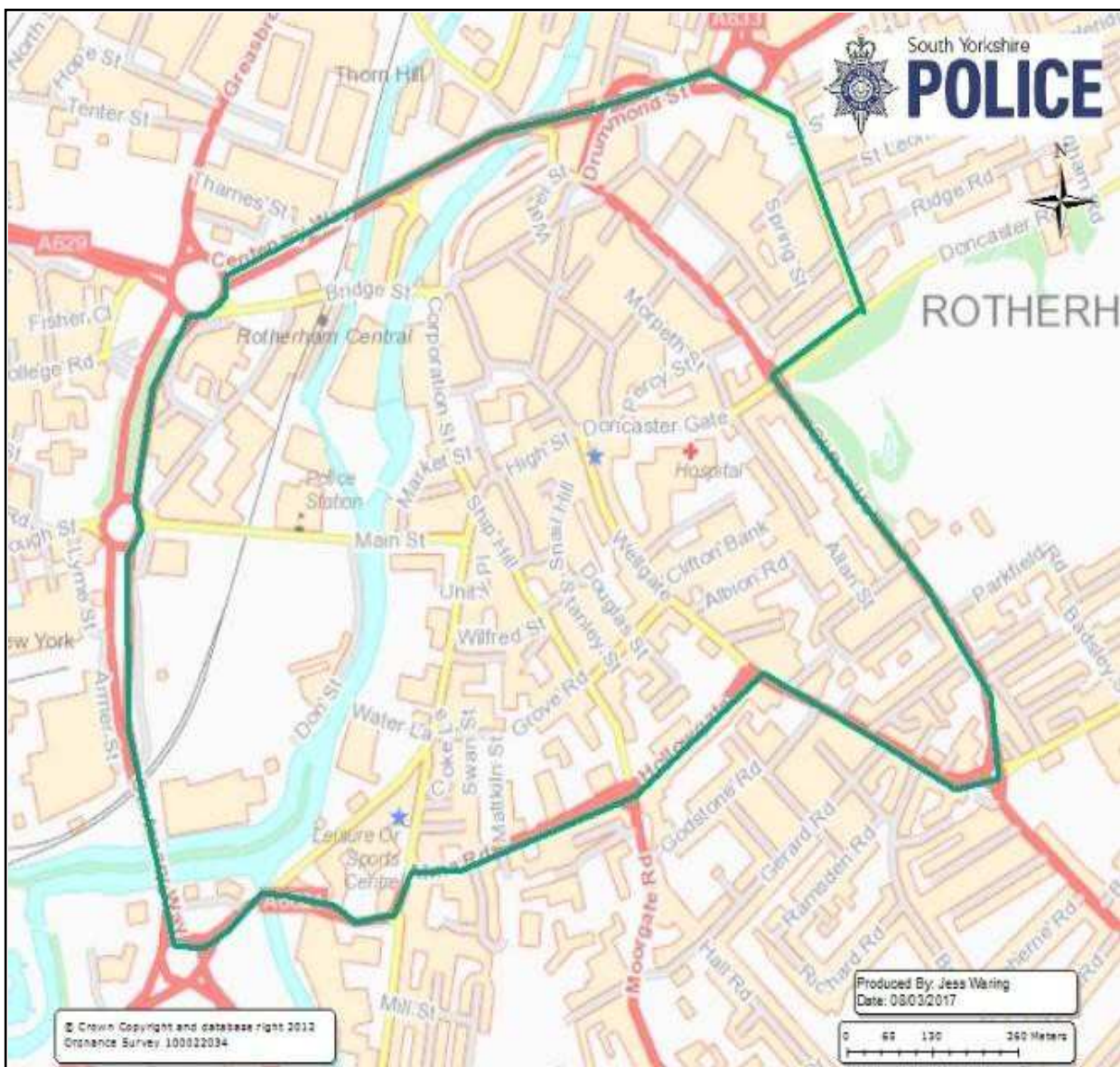
Methodology

Data for ASB incidents reported to SYP was extracted from ProCAD using Oracle Discoverer software. The date period considered was 01/01/2014 to 31/12/2016 (a three year period). Data was broken into monthly data to allow trends to be identified.

In order to obtain solely data that relates to the suggested PSPO areas, the data was ran through ArcMap software and extracted based on the following shape files:

Town Centre:

Eastwood:

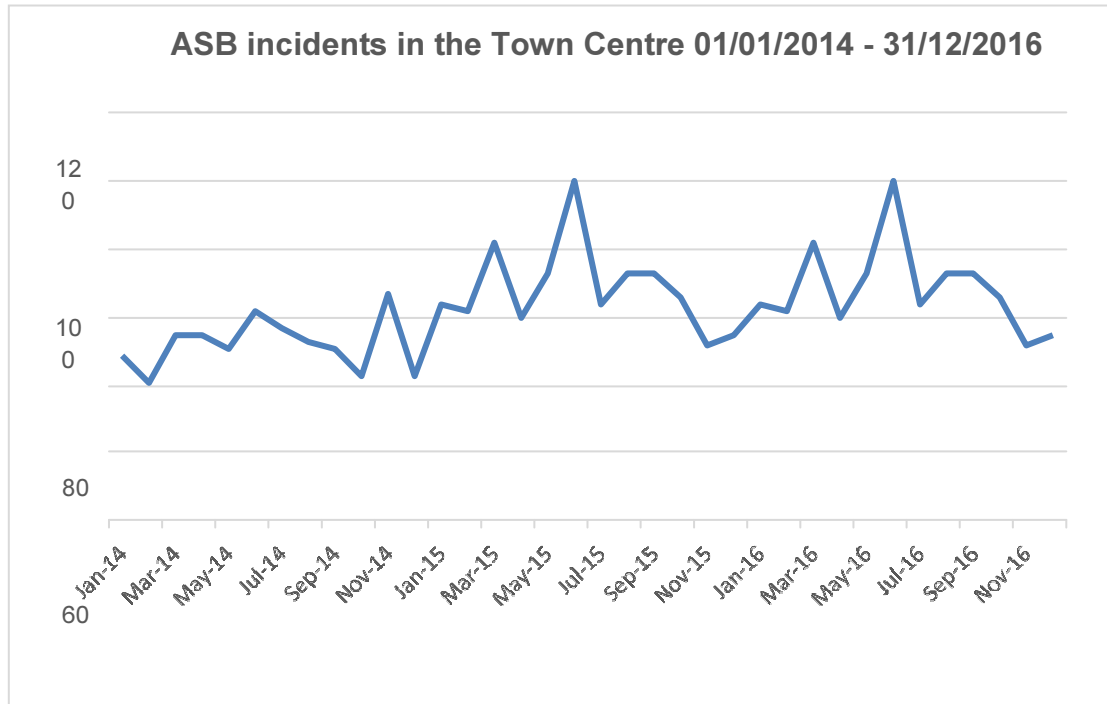


1. Town Centre

The table below shows the number of ASB incidents by calendar month in 2016:

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Count	64	62	82	60	73	100	64	73	73	66	52	55	824

The chart below shows the trend in ASB over the last three years:



The following table shows the top five incidents types reported to South Yorkshire Police in 2016 and the volume of each:

Incident Type	Count
ROWDY/INCONSID	395
DISTURBANCE/FIGHTING	54
VEH NUIS/INAP USE	54
BEGGING/VAGRANCY	35
STREET DRINKING	30

Appendix 2

Draft PSPO & highlighted map – Town centre and Clifton Park.

Title – Public Spaces Protection Order (PSPO)

Directorate – Regeneration and Environment.

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

SECTION 59

**PUBLIC SPACES PROTECTION
ORDER**

**(Rotherham Town Centre and
Clifton Park)**

This Order is made by Rotherham Metropolitan Borough Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ('the Act').

1. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
2. The Council is satisfied that the 2 conditions below have been met, in that:
 - a) Activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being:
 - A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - B. Drinking alcohol other than in a licenced premises or event.
 - C. Spitting saliva or any other product from the mouth
 - D. Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
 - E. Failing to keep a dog on a leash and under control
 - F. Using or carrying controlled drugs otherwise than in

accordance with a valid prescription

- G. Littering
- H. Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
- I. Urinating or defecating in a public place.

b) That the effect, or likely effect of the activities described above, is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

c) The effect of the Order is to impose the following prohibitions at all times:

In the restricted area (see appendix RTC1) any person who continues to carry out the following activities from which they are prohibited commits an offence by:

1. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
2. Drinking alcohol other than in a licenced premises or event.
3. Spitting
4. Face to face fundraising and marketing carried out by organisations without permission of the Council.
5. Failing to keep a dog on a leash and under control
6. Using or carrying Illegal drugs
7. Littering
8. Using a vehicle to cause a nuisance.
9. Urinating or defecating in a public place.

d) The Public Spaces Protection Order will remain in force for a period of 3 years, unless extended by further Orders under the Council's statutory powers.

e) A person guilty of an offence under conditions 3.(a.1-6) above, under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale (Criminal Justice Act), or fixed penalty notice of £100.

- f) In this area any person who fails to comply with any of the conditions set out in 3.(a.2-5) above, under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (Criminal Justice Act), or fixed penalty notice of £100.

THE SCHEDULE

1. The Restricted area shown edged in red on the map attached hereto.

APPEAL

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

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

SECTION 59

PUBLIC SPACES PROTECTION
ORDER

(Rotherham Town Centre and
Clifton Park)

This Order is made by Rotherham Metropolitan Borough Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ('the Act').

3. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
4. The Council is satisfied that the 2 conditions below have been met, in that:
 - g) Activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being:
 - h) Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - i) Drinking alcohol other than in a licenced premises or event.
 - j) Spitting saliva or any other product from the mouth
 - k) Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
 - l) Failing to keep a dog on a leash and under control
 - m) Using or carrying controlled drugs otherwise than in accordance with a valid prescription
 - n) Littering
 - o) Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
 - p) Urinating or defecating in a public place.
 - q) That the effect, or likely effect of the activities described above, is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

- r) The effect of the Order is to impose the following prohibitions at all times:

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- 1) Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - 2) Drinking alcohol other than in a licenced premises or event.
 - 3) Spitting saliva or any other product from the mouth
 - 4) Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
 - 5) Failing to keep a dog on a leash and under control
 - 6) Using or carrying controlled drugs otherwise than in accordance with a valid prescription
 - 7) Littering
 - 8) Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
 - 9) Urinating or defecating in a public place.
- s) The Public Spaces Protection Order will remain in force for a period of 3 years, unless extended by further Orders under the Council's statutory powers.
- t) A person guilty of an offence under conditions 3.(a.1-6) above, under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale (Criminal Justice Act), or fixed penalty notice of £100.
- u) In this area any person who fails to comply with any of the conditions set out in 3.(a.2-5) above, under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (Criminal Justice Act), or fixed penalty notice of £100.

THE SCHEDULE

1. The Restricted area shown edged in red on the map attached hereto.

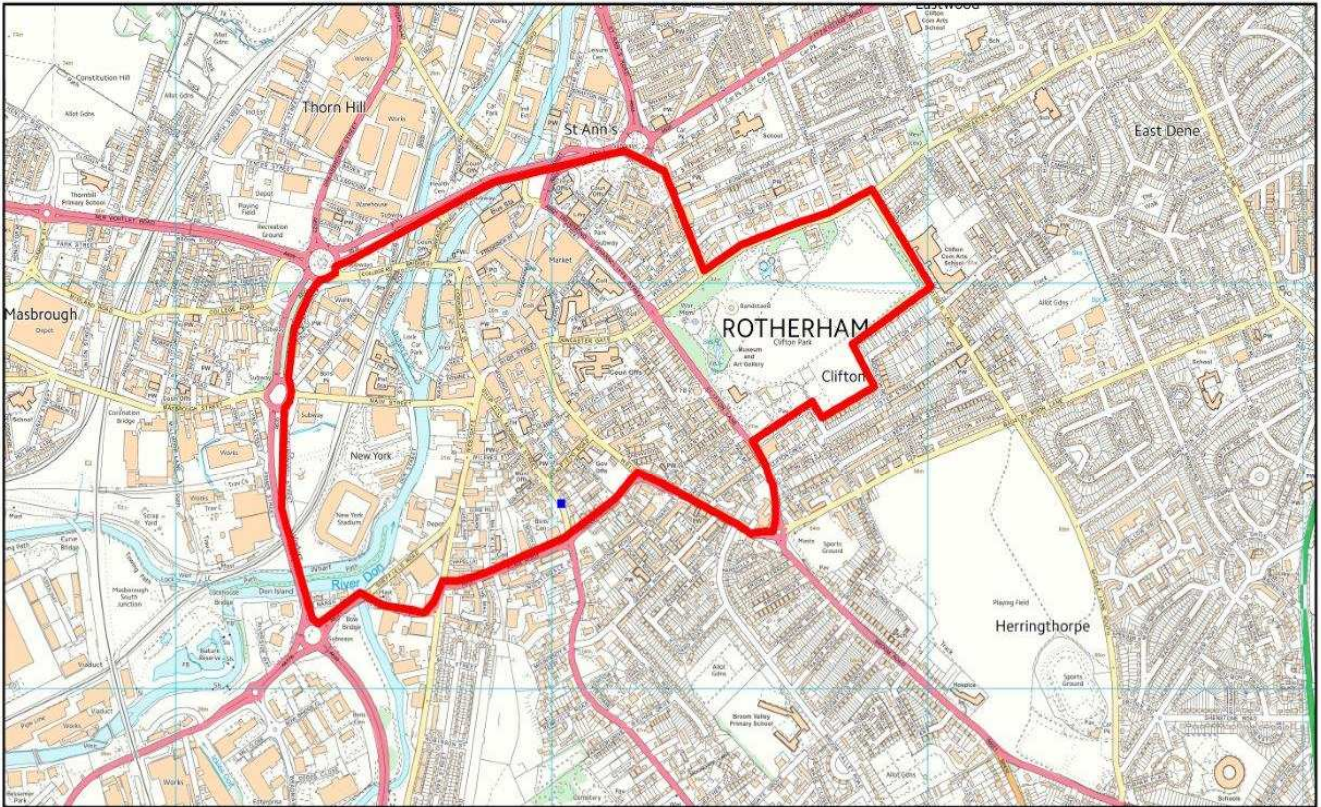
APPEAL

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....



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Scale 1:1250

Proposed PSPO

Rotherham MBC
Land Terrier, Land, Estates
Riverside House, Main Street
ROTHERHAM S60 1AE



Proposed PSPO for Rotherham town centre, included Clifton Park.