

Public Spaces Protection Order
Anti-Social Behaviour, Crime and Policing Act
Part 4 Chapter 2 Section 59

**The Rotherham Metropolitan Borough Council (Fitzwilliam Road) Public
Spaces Protection Order 2020**

1. Rotherham Metropolitan Borough Council has exercised its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and being satisfied that all the requirements of the Act have been met hereby makes the following Order, known as:

**The Rotherham Metropolitan Borough Council (Fitzwilliam Road)
Public Spaces Protection Order 2020**

2. This order relates to the land described in 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:
3. The order may be cited as the Rotherham Metropolitan Borough Council Public Space Protection Order (Fitzwilliam Road) and shall come into force on a date to be confirmed, subject to consultation and final agreement, for a maximum period of three years
4. The following activities have caused, or are likely to cause, a detrimental effect on the quality of life of those in the locality;
 - 4.1 Acting in a drunken manner, which may include being loud, intimidating or incapable
 - 4.2 Using loud, foul or abusive language
 - 4.3 Shouting, screaming or acting in a generally rowdy and inconsiderate manner
 - 4.4 Lack of control of household waste and appropriate use of specified receptacles for household waste
5. The effect of this order is to prohibit the following activities within the prescribed area, (as shown within the map at appendix A).
 - a In this area any person who carries out acts from which they are prohibited, commits an offence, namely;
 - i. Consuming alcohol other than on licensed premises or at a licensed event
 - ii. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.

- iii. Causing noise that is likely to have a detrimental impact on a person(s) quality of life
 - b) A person is guilty of an offence under condition 4(a) (i) if they fail to comply with the request of an authorised officer to surrender any sealed or unsealed containers of alcohol in their possession and under Section 63 of the Act is liable in summary conviction to a fine not exceeding level 2 on the standard scale (£500) or a fixed penalty notice at a maximum of £100.
 - c) A person guilty of an offence under conditions 4 (a) (ii)– (iii) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£2000) or a fixed penalty notice at a maximum of £100.
6. The effect of this order is to require the following activities within the restricted area, (as shown within the schedule).
 - i. Each relevant person must ensure that the wheelie bin(s) for their property or waste presented for collection in a manner specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 9pm on the day of collection unless the wheelie bin is in an identifiable bin storage area or yard for wheelie bins of their property.
 - ii. For the purposes of 5(a) above, for this section of the Order applies to all persons in a position to control residential premises (referred to as “the relevant person”) that are within the specified area, (all such premises referred to hereafter as “relevant premises”) and includes any person residing permanently or temporarily, by legal right or simple occupation, at relevant premises and also any owner or managing agent of relevant premises.

Each relevant person shall have an equal and separate responsibility in relation to the household waste requirements set out in this order whether physically present at the relevant premises at the relevant time or not.

 - a) A person guilty of an offence under condition 5(a) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£2000) or a fixed penalty notice at a maximum of £100.
7. The Council is satisfied that the conditions laid out within Sections 59, 63, 64 and 72 of the Act have been satisfied and that it is in all circumstances expedient to make this order to reduce the detrimental effect, or likely effect, in the Restricted Area, that the behaviours outlined have or were

likely to cause. The effect or likely effect of these activities is of a persistent or continuing nature.

8. The restrictions in paragraph 4 apply to all persons and at all times.
9. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

THE COMMON SEAL OF)
ROTHERHAM METROPOLITAN)
BOROUGH COUNCIL)
was affixed to this Order)
in the presence of)

Duly Authorised Officer



Schedule – the Restricted Area

1. Outlined in red, bordered by the River Don, Doncaster Road, St Ann's Road and Aldwarke Lane.

