

Notice is hereby given that Rotherham Metropolitan Borough Council ('The Council') in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'), being satisfied that the conditions laid out with Section 59 are met, make the following order:

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 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
3. The following activities have caused, or are likely to cause, a detrimental effect on the quality of life of those in the locality;
  - a. Acting in a drunken manner, which may include being loud, intimidating or incapable
  - b. Using loud, foul or abusive language
  - c. Shouting, screaming or acting in a generally rowdy and inconsiderate manner
  - d. The accumulation of waste and general litter around business premises in the area
4. The effect of this order is to prohibit the following activities within the prescribed area, (as shown within the first 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 (in public places) that is likely to have a detrimental impact on a person(s) quality of life

- a) A person guilty of an offence under conditions 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.
  - b) A person guilty of an offence under condition (i) is guilty of an offence 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 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500) or a fixed penalty notice at a maximum of £100.
5. The effect of this order is to require all relevant persons undertake the following activities within the prescribed area
- ii In this area all business will ensure the publicly accessible curtilage of their business premise, alongside any immediately adjacent footway, verges or other publicly accessible space, is maintained in a clean and tidy condition, free from litter and general rubbish
    - a) A person guilty of an offence under conditions (i) – (ii) 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 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.
7. The restrictions in paragraph 4 apply to all persons and at all times.

## APPEAL

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.

Interested parties may lodge an appeal to the High Court within 6 weeks of this order being made.

Order Made By Cabinet

Dated.....

DRAFT

## Appendix A – The Restricted Area – Outlined in Red

Bordered by the River Don, Doncaster Road, St Anne's Road and Alderwake Lane

