

APPENDIX 3

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

The Rotherham Metropolitan Borough Council (Town Centre and Clifton Park) Public Spaces Protection Order 2023

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 (Town Centre & Clifton Park) Public Spaces Protection Order 2023

2. This Order shall come into operation on **[DATE]** and shall have an effect for 1 years thereafter, unless extended, varied or discharged by further order as set out in the Act.
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that activities carried out in a public place within the authority's area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality, namely:
 - 1.1 Acting in a drunken manner, which may include being loud, intimidating or incapable.
 - 1.2 Using loud, foul or abusive language. Shouting, screaming or acting in a generally rowdy and inconsiderate manner.
 - 1.3 Carrying out promotional or fundraising work, obstructing pavements or approaching people in the street so as to cause them annoyance.
 - 1.4 The throwing down of any waste
 - 1.5 Urinating or defecating in public.
 - 1.6 Spitting saliva or any other product from the mouth.
 - 1.7 Misusing vehicles or causing vehicle related nuisance.
 - 1.8 Dogs approaching strangers whilst off the lead, at times frightening them or their animal who may be on a lead or under proper control.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the

circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

5. The effect of this Order is to prohibit the following activities within the restricted area as shown on the map contained in Schedule 1 and outlined in red:
 - 5.1 Continuing to consume alcohol when required to stop doing so by any authorised officer, save for those places identified at 10.4.
 - 5.2 Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - 5.3 Approaching people for marketing or fund-raising purposes without an appropriate Licence.
 - 5.4 Depositing and leaving litter
 - 5.5 Urinating or defecating in public, other than within designated public toilets.
 - 5.6 Spitting saliva or any other product from the mouth.
 - 5.7 Being in charge of a motor vehicle and using it in a way to cause a nuisance to others or anti-social behaviour.
 - 5.8 Failing to keep a dog on a lead and under control otherwise than within the designated area within Clifton Park (as shown on the map contained in Schedule 2), where dogs may be off leads, but must remain under control
6. Unless otherwise stated, the prohibitions and requirements contained in this Order shall apply to all persons, at all times of the day and all days of the week throughout the calendar year and throughout the entirety of the restricted area.
7. Any person who carries out acts from which they are prohibited from doing or fails to comply with a requirement set out in this Order 5.2 to 5.7 above, within the restricted area, commits an offence under section 67 of the Act and is liable to receive a fixed penalty notice at a maximum of £100 and on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).
8. Any person who carries out an act from which they are prohibited from doing under 5.1 above is guilty of an offence under section 63 of the Act if they fail to comply with the request of an authorised officer to not consume alcohol in breach of this Order (or anything that the authorised officer reasonably believes to be alcohol) or surrender any sealed or unsealed containers of alcohol (or anything that the authorised officer reasonably believes to be alcohol) in their possession and is liable to receive a fixed penalty notice at a maximum of £100 and on summary conviction to a fine not exceeding level 2 on the standard scale (£500).

9. An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The level of the fixed penalty shall be £100. A person committing an offence and failing to pay the fixed penalty may be prosecuted.

10. Additional Information and Definitions for the purpose of the Order:

10.1 “Public place” means any place to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission.

10.2 “Alcohol” has the meaning given by section 191 of the Licensing Act 2003.

10.3 “Authorised person” means a police officer, an employee of Rotherham Metropolitan Borough Council or other person who is authorised in writing by the Council.

10.4 A prohibition at 5.1 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).

10.5 In relation to vehicle related nuisance and anti-social behaviour, this includes:

- obstructing highways, residential or business properties
- dangerous driving or inconsiderate driving
- excessive noise via engine, horn or amplified music
- littering
- verbal abuse, swearing or intimidation to members of the public

11. 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)

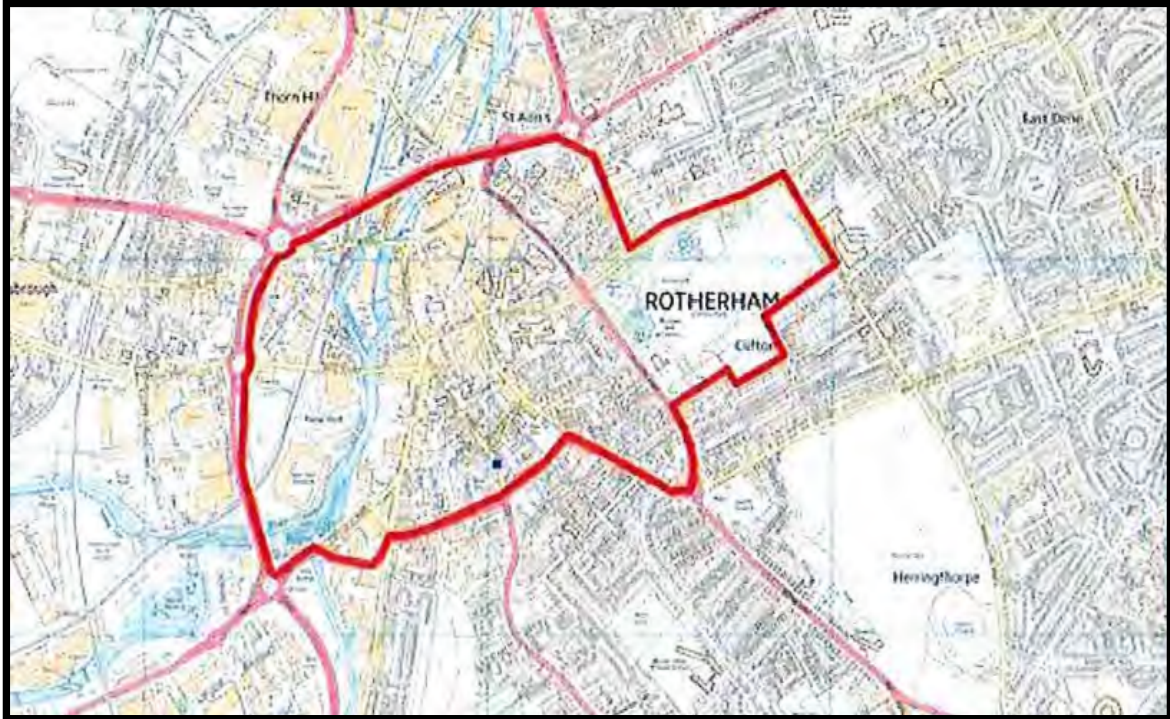
BOROUGH COUNCIL)

was affixed to this Order)

in the presence of)

Duly Authorised Officer

Schedule 1 – The restricted area



Schedule 2 – Clifton Park dog exercise area (black thatched area)

