ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (AS AMENDED)

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by The City of Westminster (the 'Council') and shall be known as the **Public Spaces Protection Order (Nuisance from Pedicabs) No. 3 of 2025**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

   The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

   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.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by this Order whilst in control of a Pedicab are:

(a) Sudden and/or rapid acceleration (as to cause a public nuisance);

(b) Sounding horns (as to cause a public nuisance);

(c) Playing music from a pedicab (as to cause a public nuisance);

(d) Cycling or parking on Public Highways (TBD)

(e) Using threatening, intimidating behaviour towards another person; and

(f) Causing obstruction on a Public Highway, whether moving or stationary, including congregating in groups of 4 or more.

(g) Remaining in the area after having been asked to leave by an Authorised Officer.

THE PROHIBITION

5. A person shall not engage in any of the Activities listed at paragraph 4(a) – 4(g) anywhere within the Restricted Area as shown shaded on the Map 1 of Schedule 1 of this order and labelled "The Restricted Area".

THE REQUIREMENTS

6. A person who is believed to have engaged in a breach of this Order is required to give their name and address to an Authorised Officer, a police officer, a police community support officer or other person designated by the Council.

7. A person who is believed to have engaged in a breach of this Order is required to leave the Restricted Area if asked to do so by an Authorised Officer and must not return to the Restricted Area for 1 hour.

DEFINITIONS

8. In this Order the following words or phrases are defined as follows:

'Authorised Officer' means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order, a Police Officer or any other person designated by the Council.

'Council' means the City of Westminster Council.

'Order' means this Public Spaces Protection Order (Pedicabs) No.3 of 2025.

"Pedicab" means a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward

"Public Highway" means a highway over which all members of the public have the right to pass and repass.

‘Restricted Area’ means the parts of the City of Westminster as shown on the map at Schedule 1 of this order and labelled ‘Map 1 - Restricted Area’ and shaded with a red boundary line.

‘2024 Act’ means the Pedicabs (London) Act 2024

PERIOD FOR WHICH THIS ORDER HAS EFFECT

9. This Order is made on [date] and will come into force at midnight on [date] and will expire at midnight on [no more than 3 years later]**.**

10. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or
(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

FIXED PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice under s.68.

CRIMINAL OFFENCE

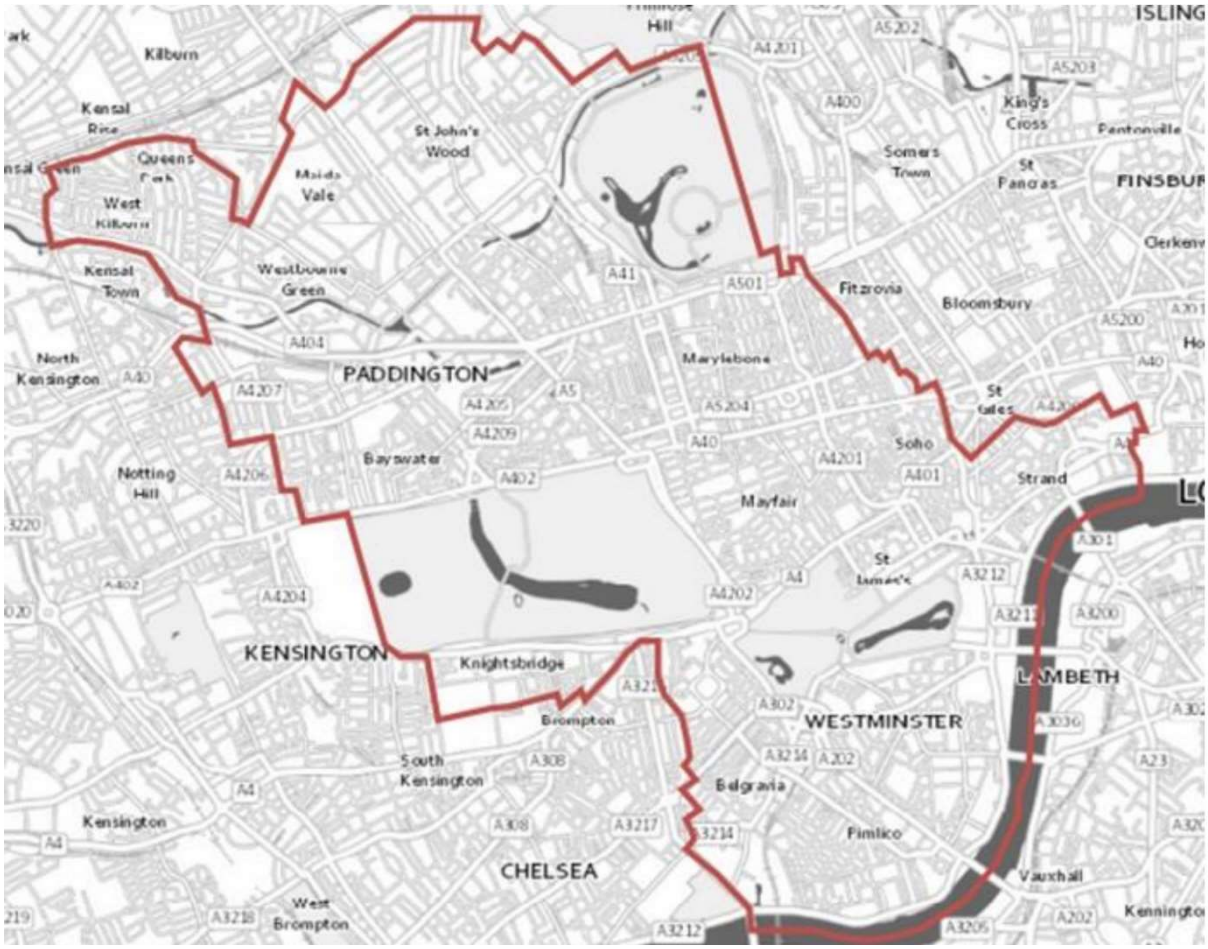
A person who is charged with the offence of failing to comply with this Order is liable upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

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 this 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 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 or quash the order or any of its prohibitions or requirements.

Schedule 1 - RESTRICTED AREA – MAP

MAP 1 – the Restricted Area



Schedule 2 - LEGISLATION

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

Offence of failing to comply with order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

Highways Act 1980

328 - Meaning of “highway”

(1) In this Act, except where the context otherwise requires, “highway” means the whole or a part of a highway other than a ferry or waterway.

(2) Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of this Act to be a part of the highway.

(3) In this Act, “highway maintainable at the public expense” and any other expression defined by reference to a highway is to be construed in accordance with the foregoing provisions of this section.

Pedicabs (London) Act 2024

1 Power to regulate pedicabs

(1) Transport for London may make regulations for the purpose of regulating pedicabs in public places in Greater London.

(2) In this Act—

- “pedicab” means a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward;
- “pedicab regulations” means regulations under subsection (1).

(3) Before making pedicab regulations, Transport for London must consult whoever it considers appropriate.