ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59 - PUBLIC SPACES PROTECTION ORDER

South Gloucestershire (Area Wide) Public Space Protection Order 2023 – Cranleigh Court Road, Yate

SOUTH GLOUCESTERSHIRE COUNCIL (the Council) in exercise of its powers under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act), being satisfied that the anti-social behaviour arising from street drinking, gatherings, fire setting, waste related issues and related anti-social behaviour, has or will have a detrimental effect on the quality of life of those in the locality, makes the following order;

1. Persons are prohibited from idling, gathering or congregating in the area as defined by the map, commonly known as "Cranleigh Court Road shopping area", or from committing one or more of the prohibited acts as they passage through the area from one destination to another. The prohibited acts are as below, namely;

    - The setting of any fire of any kind
    - The burning of any waste or waste materials of any kind
    - The consumption of any alcohol from any open bottle, can or other container
    - The abandonment of any vehicle of any kind which is void of tax, Test Certificate and Insurance
    - The use of verbal, hand or any other gestures, sign or visible representation to cause intimidation, harassment or the fear of violence to women and girls – this includes, but is not limited to, cat calling, whistles, name calling, any sexual or lewd comments or any other communication which is insulting or derogatory.
    - No sleeping or temporary occupation within the designated area other than in a residential property

2. This Order applies to all land;
    - which is open to the air (including land which is covered but open to the air on at least one side)
    - to which the public are entitled or permitted to have access, with or without payment and by express or implied permission
    - which is within the South Gloucestershire boundary

3. Offence

   Any person who without reasonable excuse commits an act that is prohibited by this Order (as per 1 above), on land to which this Order applies, commits an offence.

4. Penalty

   In accordance with Section 67 of the Act, a person who commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.

   A Police Officer or Council Officer may issue a Fixed Penalty Notice to any person they have reasonable cause to believe has committed an offence under this Order.

   A Fixed Penalty Notice is a Notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the Fixed Penalty to the Council.

   Where a person is issued with a Fixed Penalty Notice under this Order the amount of the Penalty shall be £100 (reduced to £50 if paid within 10 days). If the Fixed Penalty is paid within 14 days the offender will not be prosecuted.

   A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

5. Special Dispensations

   There are no special dispensations made under this Order for any person or group.

6. Appeals

   Any challenge to this Order must be made to the High Court by an interested person within 6 weeks from the date the Order is made. An interested person is someone who lives in, regularly works in or visits the area.

   In accordance with Section 66 of the Act 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 a requirement of the Act was not complied with.

7. This Order shall come into effect on xxxxxxxxxx and hall have an effect for 3 years thereafter, unless extended by further Orders under the statutory powers.