

HAMBLETON DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER NUMBER 1 of 2019 – as amended

LEEMING BAR INDUSTRIAL ESTATE AND SURROUNDING AREAS

PUBLIC SPACES PROTECTION ORDER

This order is made by the Hambleton District Council (the 'Council') and shall be known as the "Public Spaces Protection Order (Hambleton District Council) No 1 of 2019 (as amended)".

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 are:

- i Sleeping or otherwise remaining in any vehicle within the Restricted Area for any period of time between the hours of 19:00hrs and 07:00hrs
- ii Depositing any human waste anywhere in the Restricted Area other than a facility designed for this purpose.
- iii Depositing litter anywhere in the Restricted Area other than into a receptacle intended for this purpose.

THE PROHIBITION

- 5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown on the attached map and marked 'Restricted Area'.
- 6. This Prohibition is subject to the Exceptions stated below.

THE REQUIREMENTS

- 7. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the Restricted Area, is required to give their name and address to an Authorised Officer.
- 8. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Restricted Area, is required to leave the area, and remove his/her vehicle(s) if asked to do so by an Authorised Officer and not to return for a specified period not exceeding 48 hours.

THE EXCEPTIONS

- 9. Nothing in the paragraph 4(i) of this order applies to vehicles which are driving through the Restricted Area without being parked up.

OTHER

- 10. This order applies to public places within the authority's area. The public places are delineated by the red lines in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.
- 11. The effect of the order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply or where the express permission of the Council has been given on the use of the Restricted Area.

DEFINITIONS

12. For the purpose of this order the following definitions will apply:

'Vehicle' includes all vehicles (including a HGV, campervan or temporary structure that is designed to provide shelter or accommodation), whether or not they have the engine running.

'Authorised Officer' means a constable, a police community support officer or a person authorised in writing by Hambleton District Council.

'Interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

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

'Restricted Area' has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this order are shown delineated by the red lines in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

13. This amended Order will come into force at midnight on 6 March 2020 and will expire at midnight on 7 March 2022.

14. At any point before the expiry of this 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. The Council may extend this order more than once.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

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

A person guilty of an offence under section 67 is liable on conviction in a Magistrates Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

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 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 could uphold the order, quash it, or vary it.

The Common Seal of

HAMBLETON DISTRICT COUNCIL

was hereunto affixed this

[Handwritten signature]
23 day of *April* 2020

in the presence of:-



9324

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(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 a 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

Schedule 1 to this Order

Plan of the Restricted Area

Public Space Protection Order - Leeming Bar Industrial Estate / Coneygarth

