

EAST DEVON DISTRICT COUNCIL

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order 2017

The Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances in Exmouth and Sidmouth

This Order is made by East Devon District Council (“The Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 (“the Act”) and remains in force for a period of 3 years from the date of the Order.

1. The Order relates to the designated streets and public spaces described in Schedule 1 below and defined by the line edged red on the plans attached to this Order (“the restricted areas”), being public spaces in the Council’s administrative area to which the Act applies:
2. For the purposes of this Order,

“Intoxicating Substances” is given the following definition (which includes Alcohol and substances which are commonly referred to as ‘legal highs’): “Substances with the capacity to stimulate or depress the human central nervous system”.

Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.

An authorised officer shall be a Police Constable, Police Community Support Officer or East Devon District Council Officer, who must be able to present their authority upon request.

The term ‘street’ includes any road or footway to which the public have access without payment. “Public Space” includes parks and retail car parks to which the public have access without payment.

Exemptions shall apply where a person urinating is making use of an authorised temporary public urinal/toilet that has been provided in accordance with any specification issued by East Devon District Council, and with its agreement.

For this purpose 'unauthorised' means without the express written consent of any owner of the land (or any person having control over or an interest in the land in question).

3. The Council is satisfied that the 2 conditions below have been met, in that
- (a) Activities carried on in the restricted areas as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the street or public space and that they will have such an effect.

The said activities being

- the failure to surrender intoxicating substances in their possession when asked by an authorised officer,
- urination or defecation within a street or public open space,
- aggressive requests for money within a street or public open space,
- causing intimidation harassment alarm or distress,
- the failure to disperse away from a group when asked by an authorised officer.

- (b) The effect, or likely effect, of the activities described above, 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 Order.

BY THIS ORDER

4. The effect of this Order is to impose the following prohibitions and/or requirements at all times:

(i) Intoxicating substances including alcohol

A person shall be guilty of an offence, if at any time in a street or public space, he does not surrender any intoxicating substance including alcohol in their possession when requested by an authorised officer if:

- a) They are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances

- b) They are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, or
- c) The authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.

(ii) Urination and defecation within a street or public open space

A person shall be guilty of an offence, if at any time in a street or public space, he urinates or defecates.

(iii) Aggressive Requests for money

A person shall be guilty of an offence if, at any time in a street or public open space, he makes unsolicited or unauthorised requests for money whether expressly requested or impliedly requested from persons not known to him.

(iv) Intimidation, harassment, alarm or distress.

A person shall be guilty of an offence if, at any time in a street or public space, he behaves individually or in a group in a manner which has resulted, or is likely to result, in a member of the public being intimidated, harassed, alarmed or distressed.

An authorised officer is permitted to ask people within a group to disperse immediately or by such time as may be specified. A person shall be guilty of an offence if they do not disperse away from that group of people.

- 5. The Order will remain in force for a period of three years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
- 6. A person guilty of an offence under Section 4 is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £80.

Liability to conviction for the offence may be discharged by the payment of a fixed penalty notice issued by an authorised officer. The amount of the fixed penalty notice shall be £80 and it shall be payable to East Devon District Council.

Where a fixed penalty notice is issued no proceedings will be taken for the offence before the end of the period of 14 days following the date of the notice. The person served may not be convicted of the offence if the fixed penalty notice is paid before the end of the 14 day period.

Schedule 1

This order applies in the following designated areas:

Exmouth

The Strand and surrounding area including: Manchester Street, Manchester Road, Elm Grove, Chapel Hill, Queen Street, Tower Street, High Street, Rolle Street.
The Magnolia centre and surrounding area including: Parade, Crudges Lane, Market Street, Magnolia Centre and Magnolia Walk, Chapel Street, Church Street, Margaret Street, London Inn car park and Lower Fore Street.
Station car park and surrounding area including: Commercial vehicle park, Bus station, Sports Centre grounds, Marine Way and Imperial Road.
The Manor Gardens
The Plantation and surrounding area: Bath Road, The Pavilion Grounds, Gunfield Gardens and Madeira Walk.

Sidmouth (Section 4(i) only)

The Esplanade, Sidmouth (from its junction with the Millenium Walkway in the west to its furthestmost point nearest The Ham in the east)
The Market Square , Dove Lane, Prospect Place, Kings Lane

By resolution of East Devon District Council dated

The Common Seal of the

East Devon District Council

Hereunto affixed this....day of2017

in the presence of

Strategic Lead – Governance and Licensing

Chief Executive