



Staffordshire Moorlands District Council

NOTICE OF INTENTION TO APPLY A PUBLIC SPACES PROTECTION ORDER

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

The Staffordshire Moorlands District Council hereby makes the following Order:

1. This Order comes into force on 10th November 2017 and will last for a period of three years.
2. This Order applies to the land specified in the Schedule.

Purpose

3. The Order is intended to help to stop or reduce activities that have had a detrimental effect on the quality of life of those in the locality, including noise nuisance, shouting and swearing, playing football, criminal damage, alcohol and substance misuse, vehicle nuisance, abuse and intimidation, and other forms of rowdy and inconsiderate behaviour.

Offence

4. Under the terms and restrictions of the Public Spaces Protection Order the following is prohibited:
 - a) Congregating or loitering as part of a group of six or more people.
 - b) Playing football, other ball games or other sports.
 - c) Engaging in, promoting, encouraging or assisting in activities of vehicle racing, 'doughnutting', drifting, wheel spinning or other forms of vehicle nuisance.
 - d) Playing loud music such as to cause a nuisance for others. This does not include music associated with any activities organised by, or approved by, Biddulph Town Council or Sainsbury's Supermarket.
 - e) Throwing stones, eggs, street furniture or any other items such that it is likely to cause damage and/or nuisance, alarm, or distress to others.
 - f) Consuming alcohol within the area edged in red on the attached map.

Where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

The constable or authorised person may require that person—

(i) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(ii) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1) of the Anti-Social Behaviour, Crime and Policing Act 2014).

- g) Behaving in a manner that causes, or is likely to cause, alarm, distress or harassment to others.

Penalty

5. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

6. In respect of activity f above, namely consuming, or intending to consume, alcohol within a prohibited area in breach of the Order, it is an offence if a person fails, without any reasonable excuse, to comply with an authorised person’s request as set out in f (i) and f (ii) above. An authorised person who imposes a requirement under f (i) or f (ii) must tell the person that failing without reasonable excuse to comply with the requirement is an offence. In the event of such a failure, a person will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

Challenging the Validity of the Order

7. If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

IN WITNESS whereof the COMMON SEAL

of the STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

was hereunto affixed this 10th day of November two thousand and seventeen in

the presence of



Chairman

Chief Executive

SCHEDULE

This Order applies to land including, and immediately surrounding, Sainsbury's Supermarket and Millennium Gardens in Biddulph, Staffordshire Moorlands, which for the avoidance of doubt is edged in red on the attached map.

