

## Doncaster Council

### Public Spaces Protection Order 2020 (Town Centre)

This order is made by Doncaster Borough Council (“the Council”) and shall be known as the Doncaster Town Centre Public Spaces Protection Order 2020 (“this Order”).

#### **PRELIMINARY**

The Council is satisfied on reasonable grounds that the conditions below have been met:

- that activities carried on in a public place within the Council’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect; and
- 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 this Order.

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.

The Council has had regard to the rights and freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Council has particular regard to the rights and freedoms set out in Article 10A (Right of Freedom of expression) and Article 11 (Right of Freedom of Assembly) of that convention and has concluded that the restriction on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

#### **THE ORDER**

	<b>PURPOSE</b>	<b>WHEN</b>	<b>PROHIBITION</b>
1	<p>The aim is to support vulnerable people to break the cycle of begging and to reduce the impact this has on the town centre offer.</p> <p>People who make requests for money or donations in the Town Centre are less likely to access support services whilst they receive income from this to sustain their current lifestyles.</p> <p>This also impacts on the vibrancy and attractiveness of the environment of the town centre to visitors and shoppers and businesses.</p>	At all times (not including restriction on people who busk)	No person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance, or annoyance.

	<p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>		
2	<p>The aim is to stop people loitering around ATMS and pay machines, which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	<p>At all times</p>	<p>No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</p>
3	<p>The aim is to deter people from behaving in an anti-social manner which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	<p>At all times.</p> <p>In respect of those individuals who are rough sleeping this prohibition will only apply if they have access to alternative accommodation or have refused support.</p>	<p>No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.</p>
4	<p>The aim is to deter people from consuming alcohol on the streets other than at licensed premises and to prevent antisocial behaviour and impacts on the town centre related to this.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	<p>At all times</p> <p>(Street markets /events/festivals will have obtained</p> <p>Temporary Event Notices, so will in effect be licensed premises for the time they are there)</p>	<p>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises or shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place save for those places identified by Section 62 of the Act</p>

5	<p>The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the town centre related to this.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	At all times	<p>No person will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system) or possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</p>
6	<p>The aim is to deter people from behaving in an anti-social way which can cause public and environmental health problems, as well as difficulties for town centre businesses/traders.</p>	At all times	<p>No person shall urinate or defecate in any public place; this does not include public toilets.</p>
7	<p>The aim is to ensure effective provision of car parking in the Town Centre, which is vital to the economy and most important to vulnerable and disabled visitors.</p> <p>Vandalism and blockages of parking machines causes great frustration and expense to car park users and deters from the experience of using the Town Centre.</p>	At all times	<p>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter near to, touch or interfere with any parking equipment, in the Town Centre without authorisation.</p>

**Additional notes and definitions for the purpose of the Order**

- i) **Licensed premises** – Will include those involved in continental markets / beer festivals who will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there.
- ii) **Intoxicating substances** –
  - Substances with the capacity to stimulate or depress the central nervous system
  - Exemptions shall 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 (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

**PERIOD FOR WHICH THIS ORDER HAS EFFECT**

This Order applies to a public place within the authority’s area. The public place is delineated by the red line on the plan annexed at Schedule 1. The effect of this Order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply.

This Order will come into force at 00:01 Hours on the 7<sup>th</sup> November 2020 and will expire at midnight on the 6<sup>th</sup> November 2023.

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. 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.

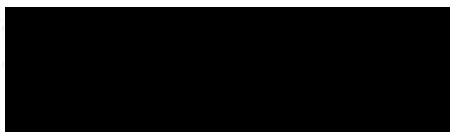
**FIXED PENALTY**

An Authorised Officer may issue a fixed penalty notice to anyone s/he 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 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 has the ability to uphold the order, quash it, or vary it.

Signed:



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**Debbie John-Lewis**  
**Assistant Director of Communities, Doncaster Borough Council.**  
**Dated: 3 November 2020**

Schedule 1 - Proposed Doncaster Town Centre PSPO Zone - 7 November 2020 – 6 November 2023



Doncaster Town Centre PSPO Zone

