

Doncaster Council

Public Spaces Protection Order 2021 (Hexthorpe)

This order is made by Doncaster Borough Council (“the Council”) and shall be known as the Hexthorpe Public Spaces Protection Order 2021 (“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

	PURPOSE	WHEN	PROHIBITION
1	<p>The aim is to deter groups of people from behaving in an anti-social manner, which has a detrimental effect on people’s feelings of safety and the levels of community cohesion within Hexthorpe.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and education around community responsibility.</p>	<p>At all times unless authorised to do so.</p>	<p>No congregating in a group of 3 or more people which is behaving in a manner which is causing or is likely to cause any person harassment, alarm or distress. (In any public place in the areas outlined in red and purple marked on Map 1)</p>

2	<p>The aim is to deter groups of people from behaving in an anti-social manner, which has a detrimental effect on people's feelings of safety and the levels of community cohesion within Hexthorpe.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and education around community responsibility.</p>	At all times unless authorised to do so.	No person shall engage in games on the public highway in a way that causes a nuisance or annoyance to those living nearby in the area. (In any public place in the areas outlined in red and purple marked on Map 1).
3	<p>The aim is to deter groups of people from behaving in an anti-social manner, which has a detrimental effect on people's feelings of safety and the levels of community cohesion within Hexthorpe.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and education around community responsibility.</p>	At all times unless authorised to do so.	No person shall make any excessive noise so as to cause a detrimental effect on the quality of life of those in the locality. (In any public place in the areas outlined in red and purple marked on Map 1).
4	<p>The aim is to deter groups of people from behaving in an anti-social manner within this specified location, which has a detrimental effect on people's feelings of safety and the levels of community cohesion within Hexthorpe.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and education around community responsibility.</p>	Every night between 21.30pm and 7:00am unless authorised to do so.	No person shall enter the play area on Urban Road, Hexthorpe between the hours of 21:30pm and 07:00am. (As shown outlined in red marked on Map 2)

5	<p>The aim is to deter people from consuming alcohol on the streets other than at licensed premises and to prevent antisocial behaviour and its impacts within Hexthorpe related to this.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	At all times	No person shall consume alcohol in any public place in Hexthorpe other than at licensed premises (In any public place in the area outlined in blue marked on Map 3).
6	<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 community related to this.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services</p>	At all times	No person shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place in Hexthorpe (In any public place in the area outlined in blue marked on Map 3).
7	<p>The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and its impacts within Hexthorpe related to this.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	At all times	Person(s) within the area outlined in Map 3 will not ingest, inhale, inject, smoke or otherwise use intoxicating substances (In any public place in the area outlined in blue marked on Map 3).

	<p style="text-align: center;"><u>Additional notes and definitions for the purpose of the Order</u></p> <p>i) Intoxicating substances –</p> <ul style="list-style-type: none"> • 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. <p>ii) Licensed premises – Will include those involved in continental markets / beer festivals where Temporary Event Notices will have been obtained, so will in effect be licensed premises for the time they are there.</p>
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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 plans annexed at Schedule 1, Schedule 2 and Schedule 3 in line with the relevant prohibitions. 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 10th August 2021 and will expire at midnight on the 9th August 2024.

At any point before the expiry of this three-year period, the Council can extend the Order by up to three years. This is 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 ("the Act") 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

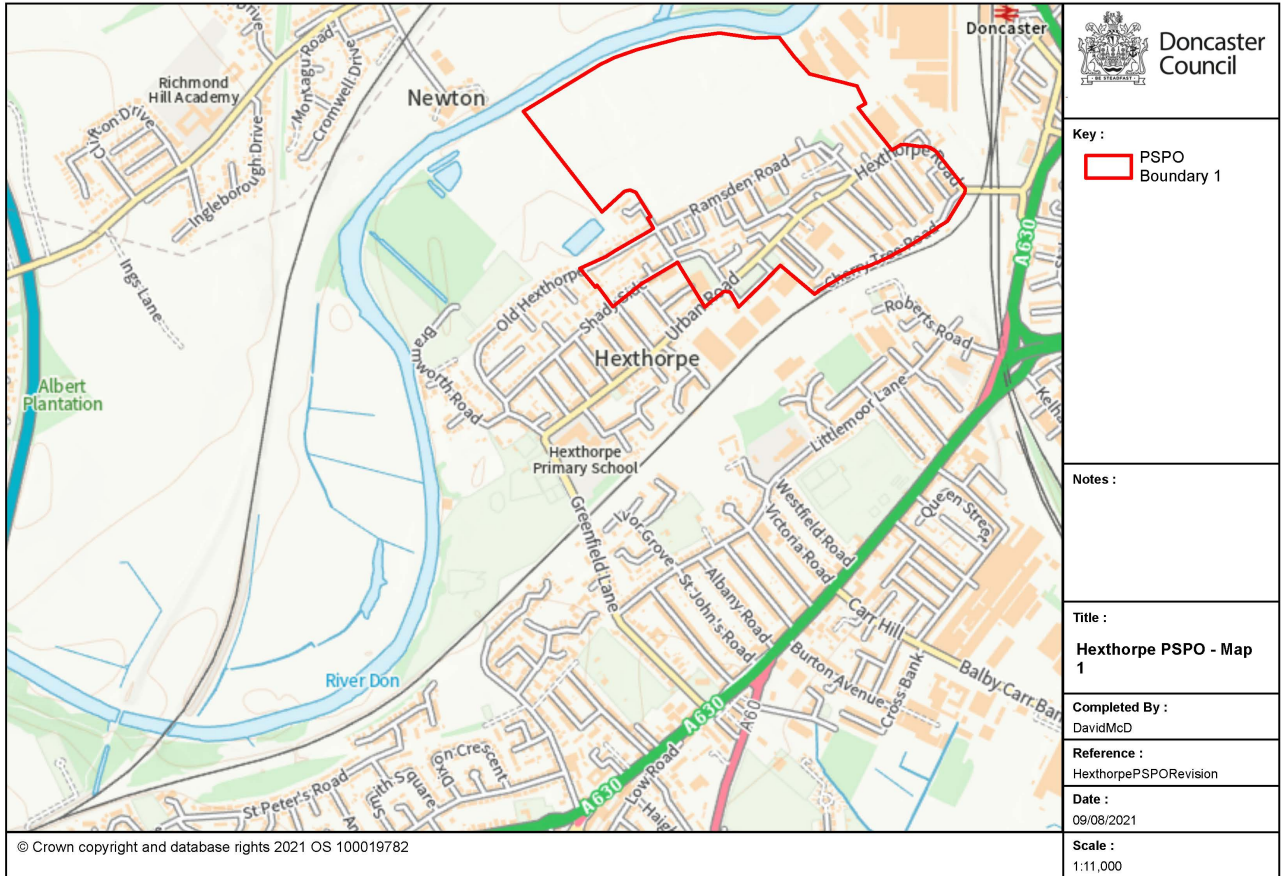


Assistant Director of Communities, Doncaster Borough Council.

Dated 4th August 2021

Schedule 1- Agreed Hexthorpe PSPO Zone – Map 1 (Outlined in red)
 – 10 August 2021 to 9 August 2024

Prohibitions 1, 2, 3, and 4



Schedule 3 - Agreed Hexthorpe PSPO Zone – Map 3 (Outline in blue)
 - 10 August 2021 to 9 August 2024

Prohibitions 5, 6 and 7

