

Anti-Social Behaviour Crime and Policing Act

2014

The Public Spaces Protection Order – Exeter City Council

2022

NOTICE IS HEREBY GIVEN that Exeter City Council in exercise of its powers under the Anti-Social Behaviour Crime and Policing Act 2014 has extended and varied the Public Spaces Protection Order.

This Order may be cited as the Public Spaces Protection Order – Exeter City Council 2022.

This Order comes into force on 20th June 2022 and shall have effect for a period of 3 years to end on 19th June 2025. The Council is satisfied on reasonable grounds that extending and varying the Order is necessary to prevent and or reduce the continuation, occurrence or recurrence of the detrimental activities identified in the Order.

The Council has made the following Public Spaces Protection Order which applies to any place to which the public have access within the area as shown edged in black on the map at Schedule One (“the PSPO area”).

Any person within the PSPO area being the area edged black on the map at Schedule One whilst situated in the street or other public space where the public have access without payment shall:

A. Surrender any intoxicating substance* in their possession to an authorised person when requested to do so by that authorised person, if:**

(a) They are found to be ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance or substances; or

(b) They are in possession of such intoxicating substance or substances with the intent of using such intoxicating substance 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 or substances within the said area.

*Intoxicating Substance is given the following definition (which includes alcohol and ‘new psychoactive substances’ i.e. 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 or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substance when alcohol falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such. Section 63 (1) and (2) of the Act provides that where a constable or authorised person reasonably believes that a person is or has been consuming alcohol or intends to consume the alcohol in breach of this prohibition, that constable or authorised person may require the person not to consume the alcohol or to surrender

the alcohol or container for alcohol to that constable or authorised person. Upon being provided with evidence that the constable or authorised person has the appropriate authorization, a person who fails to comply with the requirement of the constable or authorised person shall commit an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale. A constable or an authorised person may dispose of anything surrendered in whatever way he or she thinks appropriate.

** An authorised person shall be a Police Constable, Police Community Support Officer or authorised Exeter City Council Officer, who must be able to present their authority upon request.

B. Not urinate in a street* or public open space.

The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access without payment. Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council and with its agreement

C. Not carry out aggressive begging-

Aggressive begging is defined as behaviour that a reasonable person would regard as intimidating and which is designed to cause a member of the general public to offer money to a person not known to them. Exeter City Council would define that behaviour as: (1) clearly intimidating, i.e. through the use of threatening language or gestures, or (2) intimidating by being passive aggressive, such as standing or sitting in close proximity (i.e. within 5 metres) of a cash machine or pay station either singularly or in a group of two or more i.e. where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.

D. Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.

E. Person or persons within this area who breach Prohibition D shall when ordered to do so by an authorised person leave the area either immediately or by such time as may be specified and in such a manner as may be specified.

The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 24 hours from the time that an authorised person orders a person to leave the area and or persons to disperse from that area.

- It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by the PSPO or to fail to comply with a requirement to which the person is subject under the PSPO. By virtue of section 67 (2) of the Act 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 or a Fixed Penalty Notice may be issued by virtue of section 68 (1) of the Act up to a current maximum of £100.
- Any person who lives in the area of the PSPO or who regularly works in or visits that area may apply to the High Court to challenge the validity of the PSPO if that person

believes that the authority did not have power to make the order or that a requirement in the Chapter of the Act relevant to the PSPO was not complied with. An application under section 66 of the Act must be made within the period of six weeks beginning with the date on which the PSPO is made.

The Common Seal of)
EXETER CITY COUNCIL)
was hereunto affixed)
on this 18th day of July)
2022 in the presence of:-)




Authorised Signatory

