

**Anti-Social Behaviour, Crime and Policing Act 2014, Section 59**

**Public Spaces Protection Order (Boroughwide) 2021**

This Order is made by Sandwell Metropolitan Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to all areas within the Metropolitan Borough of Sandwell including public space in the Council's area and privately owned land made available to the public, to which the Act applies ("the Restricted Area").
2. The Council is satisfied that the two conditions below have been met, in that:-
  - a. activities carried on in the restricted area 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 public place and they will have such an effect;
  - b. 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 the Order.

By this Order

3. The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times, unless specifically stated:-
  - a. Consumption of alcohol in public areas, away from licensed premises  
**enables authorised officers / constables, where satisfied that nuisance or disorder associated with alcohol is occurring, to require people not to consume alcohol in the area and to surrender any alcohol in their possession.**

Restrictions

4. Period for which the order has effect  
This order will come into force on 1st March 2021 and lasts for three years. At any point before the expiry of this period the Council can extend the order by up to three years if 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 Order may also be varied in accordance with the requirements of Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

5. Failure to comply with this order
6. Section 63 of the Act states that where a Constable or authorised person reasonably believes that a person has been, is or intends to , consume alcohol in circumstances that would breach the order they may require that person not do so and surrender the alcohol or suspected alcohol and/or its container to the Constable or authorised person warning that person that failure to comply with that requirement without reasonable excuse is an offence ,provided the authorised person shows evidence of their authority if requested to do so. Upon which the Constable or authorised person may dispose of anything so surrendered in any way they think appropriate

A person failing to comply with this requirement commits an offence and is liable to conviction in the Magistrates Court to a fine not exceeding level 2 on the standard scale

Section 67 of the Act states that it is an offence for any 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 this offence is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

## 7. Penalty Notices

Under Section 68 of the Act a constable or authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority. Failure to pay the fixed penalty notice may result in proceedings being issued for the offence under Section 67.

## 8. Validity of Order

Under Section 66 of the Act an “interested person” (being a person who lives in the restricted area or who regularly works in or visits that area) may apply to the High Court to question the validity of a public spaces protection order (or a variation thereof). Such an application must be made within six weeks of the order being made.

The grounds on which an application under this section may be made are—

(a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);

(b) that the requirements of the legislation have 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, totally or in part. The High Court can uphold, quash or vary the order.

9. DATED:

10. SEALED:

11. SIGNED: