

Colchester Borough Council

Anti-social Behaviour, Crime and Policing Act 2014

**THE COLCHESTER BOROUGH COUNCIL (TOWN CENTRE)
PUBLIC SPACES PROTECTION ORDER 2017**

The Colchester Borough Council (“the Council”) makes this Order under section 59 of the 2014 Act, having consulted as required by section 72.

The Order takes effect on _____ and has duration of 3 years.

It applies to the public place formed by Colchester Town Centre (the Restricted Area) as identified on the attached plan

The Council is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these 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 the effect justifies the restrictions imposed.

The activities carried out are as follows:

- Persons urinating and defecating in places open to the air.
- Persons taking intoxicating substances in places open to the air.
- Persons being intoxicated and incapable.
- Persons begging for money.
- Persons Fly-posting
- Persons distributing free literature.
- Skateboards, scooters and other wheeled vehicles being used in pedestrian areas so as to cause nuisance and annoyance.
- Persons being intimidating, verbally abusive, blocking access, aggressively shouting, swearing and fighting
- The stationing of advertising boards or other structures being used as such.

These activities have given rise to complaints to both the Council and the Police and are causing nuisance, annoyance and distress to other members of the public wishing to use these public spaces.

The Council therefore under section 59(4) prohibits:

- Any person urinating or defecating in any place which is not a toilet.
- Any person consuming alcohol except within the curtilage of a licensed premises.
- Any person being as a result of intoxication by ingesting drugs or alcohol be in a condition as to be considered by a constable, any other member of the emergency services or health services or an authorised person to be incapable and causing a nuisance.
- Any person sitting or loitering on the highway or any pedestrian area of the Restricted Area demanding or begging for money whether by placing any item before them for receipt of money or otherwise.
- Any person Fly-posting (including the unlawful affixing of any placard, notice, or sign to street furniture) or any person permitting and / or benefitting from such Fly-posting
- Any person distributing free literature unless it is for religious, political or charitable purposes or any person permitting and / or benefitting from such distribution of literature.
- Any person using a skateboard, scooter, skates, bicycle or other self-propelled wheeled vehicle in such a manner as to cause damage to property or nuisance or annoyance to other persons in the restricted area.
- The stationing of advertising boards or other structure being used as such, within the Restricted Area.
- Any person behaving in a manner that is likely to result in any member of the public being intimidated, harassed, alarmed or distressed.

If a constable or an authorised person reasonably believes that a person is or has been consuming alcohol within the restricted areas they may require that person:

- Not to consume alcohol or anything which the constable or authorised officer reasonably believes to be alcohol
- To surrender anything in that persons possession which is, or which the constable or authorised person reasonable believes to be alcohol or a container for alcohol.

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the 2014 Act.

DRAFT FOR CONSULTATION

A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order. Persons who breach this order, shall when ordered to do so by an authorised person disperse either immediately or by such time as directed

Signed

By authority of the Colchester Borough Council under section 101 of the Local Government Act 1972

Rowan House
Sheepen Road
Colchester

Dated

A copy of the Order and Map may be obtained on the Councils Website or by contacting the address below. Written representations about the proposed Order must be sent to:

Safercolchester@colchester.gov.uk

Or

**Safer Colchester Partnership, Colchester Borough Council, Rowan House,
33 Sheepen Road, Colchester, CO3 3WG**

by **11th September 2017**

Please note that any representations received may become available for public inspection.