

Anti-Social Behaviour, Crime and Policing Act 2014

Colchester City Council (City Centre) Public Space Protection Order 2023

Colchester City Council (“the Council”) makes this Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), having consulted as required by section 72.

This Order takes effect on 23rd October 2023 and has a duration of 3 years.

Before expiry of this Order the Council may extend, vary, or discharge it in accordance with the provisions of the Act.

This Order applies to all public spaces formed by the areas within Colchester City Centre (“The Restricted Areas”):

- (a) which is open to the air (including land which is covered but open to the air on at least one side);
- (b) to which the public are entitled or permitted to have access (with or without payment); and
- (c) which is outlined in red on the plan attached as the Schedule to this Order

In making this Order the Council is satisfied on reasonable grounds that

- (a) the activities covered by this Order have been carried on in a public place within the Council’s area and have had a detrimental effect on the quality of life of those in the locality; and
- (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

The Council is also satisfied that the prohibitions and requirements set out within this Order are reasonable:

- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring, or recurring; or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

The Council is satisfied that activities have been carried out in The Restricted Areas which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of the activities is or is likely to be of a persistent or continuous nature, is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

In making this Order the Council has had regard to the rights and freedoms of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights

The **activities** carried out are as follows:

- Urinating or defaecating anywhere other than a toilet, or depositing any human bodily fluids/excrement anywhere open to the air
- Be in possession of (without a lawful or reasonable excuse); Consume, inhale, inject or smoke any substance capable of stimulating or depressing the central nervous system including open vessel(s) of alcohol/intoxicating liquor in a public place.
- Being as a result of intoxication by ingesting alcohol or drugs, in a condition as to be considered by a constable, any other member of the emergency services, or an authorised person, behaving in a manner that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance, or annoyance to any person.

- Sitting or loitering on the highway or any pedestrian area of the restricted area, demanding or begging, or perceived to be begging by an authorised person for money or any other item, whether placing any item before them for receipt of money or otherwise.
- Using a skateboard, bicycle, scooter, skates, or any other self-propelled wheeled vehicle, including electric scooters in such a manner as to cause, or likely to cause, intimidation, harassment, alarm, distress, nuisance, or annoyance to any person.
- Unauthorised Advertising by the stationing of advertising boards (A-Frames), or other structures including any hoarding or similar structure used, or adapted for use, for the display of advertisements being used as such, this includes flyposting (including the unlawful affixing of any placard, notice or sign to street furniture) or any person permitting and / or benefitting from such flyposting.

Prohibitions under section 59(4) are therefore as follows:

1. A person shall not engage in any of the activities anywhere within the restricted area as shown on the attached map and marked 'restricted area'.
2. A person shall surrender any open vessel(s) of alcohol / intoxicating liquor, equipment and/or paraphernalia being used for the consumption of any psychoactive substance in that person's possession to an authorised person.
3. The effect of the Order is to impose the prohibitions and requirements detailed herein, always, save where specified exemptions apply or where the express permission of the Council has been given on the use of the restricted area.

Penalties

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. Any person guilty of an offence under sections 67 is liable on a 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.

A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Restricted Area, is required to leave the area, and remove his/her vehicle(s) if asked to do so by an Authorised Person and not to return for a specified period not exceeding 48 hours.

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

- a. Not to consume alcohol or anything which the constable or authorised person believes to be alcohol.
- b. To surrender anything in that person's possession which is, or which the constable or authorised person believes to be alcohol or a container or vessel for alcohol to be disposed of as they deem fit.



Signed:

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



Restricted Area

The activities described above would be prohibited within the redistricted area, marked in red.

