

APPENDIX 2

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
TAMESIDE METROPOLITAN BOROUGH COUNCIL
ASHTON-UNDER-LYNE, TOWN CENTRE, TAMESIDE
PUBLIC SPACES PROTECTION ORDER 2022

NOTICE IS HERBY GIVEN that Tameside Metropolitan Borough Council (“the Council”) in exercise of its power under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met hereby makes the following Order:-

This order is made on the ** of ** and shall have effect for a period of 3 years thereafter, unless discharged or extended under the Council’s statutory powers.

GENERAL PROVISIONS

The Council is satisfied on reasonable grounds that the activities in the Restricted Areas and identified in Articles 1 to 6 of this Order

- have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried on in the Restricted Areas and that they will have such an effect, and
- that the effect, or likely effect, of those activities
 - is, or is likely to be, of a persistent or continuing nature,
 - is, or is likely to be, such as to make those activities unreasonable, and
 - justifies the restrictions and prohibitions imposed by this Order.

The Council is satisfied that the prohibitions and restrictions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the 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 particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

This Order applies to all public places within the Restricted Areas as shown on the accompanying map.

This Order is available for inspection on the Council's website and also at Tameside One, Market Place, Ashton-under-Lyne, OL6 6HH.

Definitions

- "Alcohol" has the same meaning as in section 191 of the Licensing Act 2003.
- "Authorised Person" means a person authorised in writing by the Council.
- "Constable" includes Police Community Support Officer.
- "The Council" means Tameside Metropolitan Borough Council.
- "Public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- "Restricted Area" means
 - in respect of Articles 1 to 7 the whole of the area delineated in blue annexed to this Order, and
- "Street cleansing activity" includes any such activities carried on by or on behalf of the Council.

SCHEDULE

Article 1: Consumption of alcohol

No person shall at any time consume alcohol in any public place in the restricted area, or refuse to hand over an open container containing or purporting to contain alcohol, in their possession, save for in those places identified by section 62 of the Anti-social Behaviour, Crime and Policing Act 2014 (licensed premises) and those places authorised by section 115E of the Highways Act 1980 (pavement café licences) when required to do so by an Authorised Officer.

Article 2: Intoxicating Substances

No person shall at any time, in any public place in the restricted area ingest, inhale or otherwise use intoxicating substances defined for the purposes of this order as any substance with the capacity to stimulate or depress the central nervous system.

Article 3: Discarding a hypodermic needle or syringe

No person shall discard, other than in an appropriate sharps container, a hypodermic needle or syringe in a public place in the Restricted Area.

Article 4: Urination or defecation

No person shall urinate or defecate in a public place in the Restricted Area. This prohibition does not apply to urinating or defecating in a legitimate toilet facility.

Article 5: Health and/or safety risks - obstruction

A person in a public place in the Restricted Area who causes a health and/or safety risk by

- obstructing the entrance to or exit from any building, or
- obstructing the free passage of pedestrians on or in a stairwell, or
- causing an obstruction which prevents or hinders street cleansing activity, or
- causing an obstruction which prevents or hinders the free passage of pedestrians or vehicles
- shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by that Authorised Person

Article 6: Health and/or safety risks - tents and structures

A person who has erected or is occupying a tent or other temporary structure in a public place in the Restricted Area in a manner that,

- attracts or is likely to attract vermin, or
- creates or is likely to create a health and/or safety risk for any other person
- shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified by that Authorised Person

Article 7: Provision of information upon request

A person who an Authorised Person reasonably suspects of breaching any of the prohibitions or requirements in this Order shall, upon request of that Authorised Person, provide their name, address and date of birth to that Authorised Person 4. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2 to 3 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL of _____)

TAMESIDE METROPOLITAN)

BOROUGH COUNCIL was _____)

Hereunto affixed on _____)

in the presence of: - _____)

Authorised signatory