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Gateshead Council Public Spaces Protection Order (Town Centre)

Notice is hereby given that Gateshead Metropolitan Borough Council (“the Council”) in exercise of the power under sections 59, 63, 64 & 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, being satisfied that the conditions set out in section 59 of the Act have been met make the following order:

Gateshead Metropolitan Borough Council

Public Spaces Protection Order (Town Centre)

Number 2 of 2016

1. The land described by the map attached and shown edged red being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order
2. The order may be cited as the Gateshead Metropolitan Borough Council Public Spaces Protection Order (Town Centre) and shall come into force on XXXXX for the duration of three years.
3. The following activities have caused a detrimental effect to the quality of life of those living in the locality-
 - a. Persons urinating and defecating in places open to the air.
 - b. Persons taking intoxicating substances in places open to the air.
 - c. Persons being intoxicated and incapable.
 - d. Persons begging by sitting in pedestrian areas with items in front of them for accepting money.
 - e. Persons carrying out promotional and marketing work obstructing footways and public areas and approaching people on the street so as to cause them annoyance
 - f. Promotional leaflets and material being discarded in the street.
 - g. Skateboards, scooters and other wheeled vehicles being used in pedestrian areas so as to cause nuisance and annoyance.
 - h. Pigeons being attracted by persons deliberately leaving food for them.
4. The effect of this order is to impose the following conditions on the use of the land:
 - a. In this area any person who continues to carry out activities from which they are prohibited commits an offence namely:
 - i. No person shall urinate or defecate in any place which is not a toilet.
 - ii. No person shall ingest, inhale, inject, smoke or otherwise use intoxicating substances.
 - Intoxicating Substances is given the following definition (which includes alcohol and what are commonly referred to as ‘legal highs’): 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 (tobacco) or vaporisers or are food stuffs regulated by Food, Health and Safety legislation.

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- iii. No person shall as a result of intoxication by ingesting drugs or alcohol be in such a condition as to be considered by a constable, any other member of the emergency services or health services or an officer of the Council to be incapable.
 - iv. No person shall sit or loiter on the highway or any pedestrian area for the purpose of demanding money whether by placing any item before them for receipt of money or otherwise.
 - v. No person shall carry out any promotional, marketing or sales including but not limited to offering goods and services activities in a place open to the air in such a way that causes nuisance or annoyance to any person.
 - vi. No person shall offer or distribute promotional leaflets and other materials, hold placards or set up stalls, booths or other temporary constructions for commercial purposes.
 - vii. No person shall ride upon on 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 area.
 - viii. No person shall feed any bird including dropping or casting food for birds where food includes any proprietary pigeon or similar bird feed, seeds, bread, or any other similar product; and any other food which is being used to specifically attract birds or which is likely to attract birds.
- b. A person guilty of an offence under conditions a (i) – (vii) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000) or a fixed penalty notice of a maximum of £100
5. The Council is satisfied that the conditions set out in Sections 59, 63, 64 & 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order to reduce the detrimental effect or to reduce the risk of crime and anti-social behaviour, disorder, nuisance and annoyance and its continuance, occurrence or reoccurrence in the Restricted Area which has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
6. The restrictions as stated in paragraph 4 apply to all persons.
7. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this order, he or she may apply to the High Court within six weeks from the date on which this order is made.

Order made by:

Paul Dowling

Strategic Director, Communities and Environment

Delegated Authority for Gateshead Council

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Date: _____

A copy of the Order and map may be obtained by contacting the address below. Written representations about the proposed Order must be sent to communitysafety@gateshead.gov.uk telephone 0191 433 2168 or in writing to Community Safety Team , 2nd Floor, Civic Centre, Regent Street, Gateshead, NE8 1HH to be received before 13 October 2016.

Please note that any representations received may become available for public inspection. The Order can also be seen at <http://www.gateshead.gov.uk/People%20and%20Living/CommunitySafety/Public-Spaces-Protection-Orders.aspx>

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