

13 March 2018

PUBLIC SPACES PROTECTION ORDER SCRUTINY SUB-GROUP – 15 MARCH 2018

A meeting of the Public Spaces Protection Order Scrutiny Sub-Group will be held at 5.30pm on Thursday 15 March in Committee Room 1 at the Town Hall, Rugby.

Adam Norburn
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes – to approve the minutes of the meeting held on 7 February 2018.
2. Apologies – to receive apologies for absence from the meeting.
3. Declarations of Interest

To receive declarations of:

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors;
and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

4. Review of present Public Spaces Protection Orders and Consideration of Restrictions.
5. Programme of Work and Dates of future meetings – please bring your diaries to the meeting.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information.

Membership of the group:

Councillors Sandison (Chair), Douglas, Lowe, Mrs New and Mrs O'Rourke

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail linn.ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

Public Spaces Protection Order Review

15 March 2018

Briefing Paper

Public Space Protection Order Scrutiny Sub-Group

Actions requested from meeting of 15 February 2018

Review of present Public Space Protection Orders and Consideration of new or amended restrictions to be included in a revised Order

Public Spaces Protection Orders (PSPOs) were brought in under the provisions of the Antisocial Behaviour, Crime and Policing Act 2014. The Guidance is not specific on what can be included in a PSPO. The potential for their use is broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit or promote such activities as the drinking of alcohol and keeping dogs on a lead. The PSPO can cover any publicly accessible space within the Council's area, including areas in private ownership to which the public have access.

Any prohibition or requirement must be reasonable in order to prevent the detrimental effect from occurring or reoccurring or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.

It is important that PSPOs are used proportionately. A prohibition or requirement may be framed so that it applies to all persons, persons fitting specified criteria, or to all persons except those in specified categories. It can be applicable at all times, or only at specified times, or at all times except those specified.

A Public Spaces Protection Order can be made for a maximum of three years. The legislation provides they can be extended at the end of the period, but only for a further period of up to three years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order, but further consultation must take place for varying or discharging orders.

Enforcement, to date has been shared between the Council and the police. Breach of a requirement to desist in a particular activity is a criminal offence which can result in the issuing of a Fixed Penalty Notice (FPN) or a prosecution resulting in a fine of up to £1,000 on conviction (or up to £500 for alcohol offences).

RBC Public Spaces Protection Orders-intoxicating substances

These are areas designated by Rugby Borough Council where anti-social behaviour has been causing a nuisance or annoyance. In these areas, police, police community support officers and council officers have worked together and achieved positive results in tackling such behaviour.

Officers can request people to stop drinking alcohol, ingesting or inhaling other intoxicating substances in the designated public places and ask to surrender their intoxicating substances. A PSPO is not an outright ban on street drinking. It is not an offence to consume alcohol in a public place; the offence is failing to comply with an officer's request.

A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place. So long as drinking is done responsibly a PSPO will only be used to tackle alcohol related anti-social behaviour or disorder. Under these circumstances police and council officers (where designated) will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area. If you fail to comply with an officer's request to stop drinking and/or dispose of alcohol, you could face a Fixed Penalty Notice (FPN).

Public Spaces Protection Order – Dog Control

Rugby Borough Council has the following Public Spaces Protection Orders in relation to dog control.

The order came into force on 1 September 2017 for a period of three years and applies to all land in the borough to which the public has access, including:

- all streets and pavements throughout the borough
- all council-owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places
- all land belonging to county and parish councils to which the public has access
- all rights of way which cross land owned by the county, borough and parish councils

The order covers:

Order one – The Fouling of Land by Dogs (Borough of Rugby) Order

A person has committed an offence if a dog in its charge fouls on land listed in the order and the person fails to remove the faeces.

Order two – The Dogs on Leads (Borough of Rugby) Order

A person has committed an offence if he/she fails to keep a dog on a lead in designated areas, including public roads and pavements, council-owned cemeteries and Caldecott Park.

Order three – The Dogs on Leads by Direction (Borough of Rugby) Order

A person has committed an offence if he/she fails to put a dog on a lead when requested to do so by an authorised officer. This order applies to the whole borough.

Order Four – The Dogs Exclusion (Borough of Rugby) Order

A person has committed an offence if he/she takes a dog into an enclosed children's play area or the grounds of a school controlled by Warwickshire County Council.

Fixed Penalty Notices

Fixed Penalty Notices of £100 can be issued to a person committing an offence under the Public Spaces Protection Order.

For more information on this Public Spaces Protection Order, visit www.rugby.gov.uk/dogcontrol

The Proposed PSPOs review

Following scrutiny sub-group consultation and recommendation (8 February 2018), shortlisting of PSPOs topics selected for further consultation within Rugby are:

SHORTLISTING OF PUBLIC SPACES PROTECTION ORDERS

The following topics were selected:

- (1) Current PSPO Dog Control Orders should be reviewed to include:
 - Clarity around what constitutes an enclosed play area
 - Analysis of parks on a site-by site basis
 - Consider whether designated areas for dogs should be introduced
 - Signage at park entrances should be considered, and the type of wording
 - Dog fouling, which was the issue of most concern
- (2) Consider whether to extend the current PSPO issued to tackle anti-social drinking in the town centre to include other substance abuse and whether to extend this to cover a wider area, or other town centre locations.
- (3) Newbold Quarry
- (4) Cycling in the town centre pedestrianised area
- (5) Mobile/vehicle trespass

Some of the PSPOs would replace and/or extend the Council's existing Dog Control and Public Place Orders (control of alcohol consumption). They also provide the Council with an opportunity to introduce new restrictions to address emerging forms of anti-social behaviour.

The proposed PSPOs for dog controls are the same as the existing longstanding Dog Control Orders, but add two new controls, namely:

The existing Dog Control Orders for parks have for some time controlled whether dogs are banned in certain areas within parks, or must always be kept on leads, or are to be put on leads if asked to do so by the Police or Council Officer. The proposals for a PSPO keep these controls.

Dogs are required to be on leads at all times in Caldecott Park where it is considered inappropriate for dogs to roam free.

The features/type of park, or the play or sports area within the park, dictates which of the dog controls apply. For example, dogs are typically banned from children's play areas only if they are enclosed.

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER
RUGBY BOROUGH COUNCIL (*****) ORDER 2015**

WITHIN THE BOROUGH OF RUGBY, COUNCIL OWNED LAND AND LAND ADJOINING THE HIGHWAYS, FOOTPATHS OR BRIDLEWAYS AS SHOWN ON THE ATTACHED MAP [TO BE ADDED]

This Order may be cited as the Borough Rugby, Public Spaces Protection Order Number * of 2018.

RUGBY BOROUGH COUNCIL (*"the Council"*) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (*restricted area*) of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

The Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

- 1 . This Order shall come into operation on *****[to be decided] 2018 and shall have an effect for 3 years thereafter, unless extended by further Order under the Councils statutory powers.
2. This Order relates to the parts of the Borough of Rugby, as shown edged red on the attached plan in appendix 1 ("the designated area"). [to be decided]
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area:

Failure to keep dogs out of the designated area. – dog exclusion areas

These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such effect..

4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances

expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. A person in charge of a dog must not, at any time, take the dog into, or permit the dog (including by not exercising sufficient control of the dog), to enter or to remain in, the designated area, unless

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

ANNEX:

A list of the parks ("the designated area") to which this Order applies. [To be agreed]

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the borough of Rugby as a designated area for the purpose of

Dogs on leads

A person has committed an offence if he/she fails to keep a dog on a lead in designated areas, including public roads and pavements, council-owned cemeteries and Caldecott Park.

These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.

the following Public Spaces Protection Order in relation to dog control.

The order came into force on 1 September 2017 for a period of three years and applies to all land in the borough to which the public has access, including:

- all streets and pavements throughout the borough

4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act ' have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100 [discounted to £50.00]

APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX 1:

A list of the parks ("the designated area") to which this Order applies. [To be agreed]

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area

Failure of the person in charge of a dog to have it on a lead in the designated area when directed by an authorised officer. - Dogs on leads by direction order

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area

Failure to pick up dog faeces and appropriately dispose of it:

If a dog defecates at any time in the designated area, a person who is in charge of the dog at that time must appropriately dispose of it, unless he has a reasonable excuse for failing to do so; or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Nothing in this article applies to

- (a) a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or (b) a person who has a disability which affects that person's mobility, manual dexterity, physical coordination or ability to lift, carry or

otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

AUTHORISED PERSONS:

An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area:

The deposition and use of vehicles, mini-motos, motor cycles, quad bikes, trailers, caravans or similar on the designated land for unreasonable periods of time, or where their use is causing alarm, nuisance, distress or risk to safety

These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.

4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. No person shall, without reasonable excuse, deposit a mini-motos , motor cycles, quad bikes, trailers, caravans or similar on Council land or land adjoining the highway, for an unreasonable period of time without express prior written consent of the Council.

AUTHORISED PERSONS:

An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.

2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

APPEALS:

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has 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, in part

1. Duration

The Order will come into force on [date to be confirmed following consultation] remain in place for a period of 3 years.

Restricted Area – Map of area to be defined and confirmed following consultation

APPENDIX I:

A plan showing the designated area edged in red.

Given under THE COMMON SEAL of Rugby)
Borough Council was hereunto affixed)
the day of)
in the presence of:-)

Legal Services Manager

Proposed PSPO

Lists of parks and open spaces to which the various dog controls are proposed to apply

Those that are new parks and open spaces since the existing Dog Control Order were introduced, please add in red text.

Schedule 1 - Areas of land from which dogs are excluded.

Schedule 2 - Dogs on leads apply

Schedule 3 - Dogs on leads by direction

(Not including areas from which dogs are excluded e.g. Play areas, Multi Use Games Areas – see Schedule 1)

Proposals for Newbold Quarry

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that the following anti-social behaviour and criminal activities have been carried out within the designated area:

No Swimming or entering the water

No dogs allowed in the water

No fishing

No open fires

No barbecues

The riding of mopeds causing, or likely to cause, alarm, nuisance, distress or annoyance to members of the public or cause risk to safety or cause criminal damage by their use.

Failure to pick up dog faeces and appropriately dispose of it

Dog on lead by direction

These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.

4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

Riding of mopeds to cause alarm etc.

Person(s) shall not ride a moped in such a manner as to cause, or likely to cause, alarm, distress or annoyance to members of the public or cause criminal damage by their use.

Examples of descriptive wording used by other councils for their problem areas:

Anti-Social use of Push/Pedal Cycles, Motor Bikes, Quad Bikes, Mini Moto's or similar	
A person is prohibited from riding a push/pedal cycle, motor bike, quad bike, mini moto or similar, in a manner deemed by an Authorised Person to be anti-social, and he reasonably suspects that person to be causing, or likely to cause, nuisance, alarm, harassment or distress to any other person.	
Mechanically propelled vehicles are not to be driven on any public open place, or any public highway without displaying a vehicle registration plate.	
A person is prohibited from wearing face coverings in an attempt to conceal their identity, this includes scarves, balaclavas, and masks, this excludes motorbike/cycle helmets when riding a pedal cycle, motorbike, quad bike or similar or any specific items of clothing which reflects an individual's cultural values, when deemed by an Authorised person to be riding in an anti-social manner and he reasonably suspects that person to be causing, or likely to cause, nuisance, alarm, harassment or distress to any other person.	
A person is prohibited from riding a push/pedal cycle on pavements, pathways or in business premises.	Could be restricted time zones

Knowsley Metropolitan Borough Council

PSPOs for Parks

Conditions applicable in all Parks: [mostly adapted from By-laws] [Pendle Council]	Adaptable for Newbold quarry
Cemeteries and crematorium – we need to capture all cemeteries and additional crematorium as a total ban for dogs off lead. Rainsbrook pond will need protection from dogs and/or people entering the water	
A dog walker must not allow their dog(s) to engage in behaviour likely to cause a nuisance or annoyance to other Park users	
Within the Multi Use Games Area and the Children's Play Area - no dogs and no smoking) permitted at any time [with the exception of a disabled person accompanied by an assistance dog]	
Erecting or occupying a tent, vehicle, caravan or any other structure for the purpose of camping for any period whatsoever	Could apply to other land i.e. Newbold Quarry

without the express consent of an authorised officer of the Council	
Lighting a camp or any other type of fire including barbecues without the express consent of an authorised officer of the Council	Newbold Quarry specifically. Could apply to other land.
Bringing on to or riding a horse except on authorised bridleways	Alternatively use CPN route
Engaging in the sport of golf or metal detection without the express consent of an authorised officer of the Council. Using any device designed or adapted for detecting or locating any metal or mineral in the ground. Without the express consent of an officer of the Council	Alternatively use CPN route
Bringing on to or driving a motor vehicle; trailer; motorcycle; mini-moto; quad bike; Segway or any other motorised, wheeled vehicle whatsoever other than on an approved roadway or in an approved parking area of the park	Alternatively use CPN route
Bathing or swimming in (include jumping from structures in to waterways); fouling or polluting; or obstructing or diverting, any waterway without the consent of the Council.	Newbold Quarry specifically. Could apply to other land. i.e Rainsbrook
All water sports including sailing or operating any boat, dinghy, canoe, sailboard or inflatable on any waterway is a banned activity.	Newbold Quarry specifically. Could apply to other land i.e Rainsbrook.
No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.	Could apply to other land i.e. Newbold Quarry

Bedford Town Centre

Following correspondence between Cycling UK and Mansfield District Council (MDC) over the last week, MDC has now suggested, incorrectly, that in fact cycling was already banned in the town centre before the making of the PSPO, despite the absence of any traffic regulation order or byelaw authorising this, by virtue of [Section 72 of the Highways Act 1835](#). Belief and assertion is however no substitute for knowledge.

Section 72 covers what are now known in law as "footways" - or "pavements" in plain English - which are areas adjacent to roads provided purely for pedestrian use. Yet as noted above, cars, vans and articulated lorries all have partial access to the relevant streets in central Mansfield. If these streets were "footways" (which they aren't, as there is no separate "road" adjacent to them), then it wouldn't just be

cycling that was banned on them. Section 72 would also prohibit the driving or riding of every other type of vehicle, motorised or otherwise, at all times.

Following extensive consultation, evidence gathered suggests that reckless riding of bicycles by cyclists is being carried out in a public place which is having a detrimental effect on the quality of life of those in the locality and it is likely that activities will be carried out in a continuing nature.

RESTRICTIONS – taken from a copy of the order

No person shall cycle/ride bicycles through the main pedestrian area of the town centre between the designated times (to be agreed) as specified on the attached map (to be provided) as shaded in grey (to be attached as appendix)

The PSPO complements an existing Traffic Regulation Order (TRO) in place which restricts cyclists from riding through the pedestrian area during the same times, however it has the additional benefit of allowing authorised Local Authority staff to enforce the restrictions in the same manner as Police Officers.

The introduction of the PSPO in the main pedestrian area of Bedford Town Centre represents an opportunity to put the victim of anti-social behaviour first and reassure the community that the issues that they are experiencing are being taken seriously. The Order will enable all enforcing officers to have more power to deal with cycling restrictions in the main pedestrianised area of the town centre.

APPENDICES:

APP 1 chart of DPPO_PSPO orders
APP_2 Public Space Protection Order DRAFT(V2)..Template
APP_3 Dog Control PSPO 2017 signage.pdf

Appendix 1

Anti-Social Behaviour activity to be addressed	Why?	Why is it deemed detrimental as per Section 59	Class of persons affected	Timings	Location
<p>Consumption of alcohol and other intoxicating substances. If someone is drinking or ingesting or inhaling other intoxicating substances and/or carrying open vessel of alcohol and designated person (Police Officer, PCSO, Council worker) feel this drinking will lead to ASB, the designated person can confiscate the intoxicating substance and dispose of it.</p>	<p>Originally replaced the existing Designated Public Places Order (DPPO) across the Borough, but also included the use of other intoxicating substances such as Psychoactive Substances (aka „legal highs“). There is a misconception that legal highs are safe as they are legal - this is far from true. As the substances are legal it is very hard to police.</p>	<p>Drinking or taking intoxicating substances is likely to have a detrimental effect on those in the locality and be unreasonable</p>	<p>All persons</p>	<p>All Times</p>	<p>Borough wide, as per existing Extension for a further 3 years</p>

Appendix 1

	Consideration to also be given to a complete ban in specific hotspot locations.				No consumption of alcohol or other intoxicating substance at the following locations: [ADD LIST]
Dog Control					
Dog fouling	Offence to not clean up after dog has fouled	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All owners of dogs or those in charge of a dog	All Times	Borough wide
Dogs on leads	All dogs to be under control and on leads in designated areas	The activity unless directed by an order will be carried out in a public place and be of a persistent or continuing nature	All owners of dogs or those in charge of a dog	All times	Town Centre, public roads and pavements, council owned cemeteries and Caldecott Park
Dogs on leads by direction	Failure to keep dogs under control	The activity unless directed by an order will be carried out in a public place and be of a persistent or continuing nature	All owners of dogs or those in charge of a dog	All times	Borough wide
Dogs Exclusion area	Failure to keep dogs out of the designated area.	The activity unless directed by an order will be carried out in a public place and be of a persistent or continuing nature	All owners of dogs or those in charge of a dog	All times	Enclosed children's play area or the grounds of a WCC school

Appendix 1

<p>Mobile Trespass</p>	<p>Riding of mopeds, no existing order in place</p>	<p>Irresponsible riding of mopeds causes a major danger to other road users and pedestrians. This includes causing criminal damage to land, parks, playing fields etc. For example, a school playing field may be damaged because of ruts left behind by motorcycles riding over it.</p>	<p>Draft legal wording - No person shall ride a moped in such a manner as to cause, or likely to cause, alarm, distress or annoyance to members of the public or cause criminal damage by their use.</p>	<p>All times</p>	<p>Where it will apply? Whole Borough or defined designated areas</p>
		<p>The deposition of vehicles, motorcycles, trailers, caravans or similar on the designated land for unreasonable periods of time These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.</p>			



**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER
RUGBY BOROUGH COUNCIL (INTOXICATING SUBSTANCES) ORDER 2015**

RUGBY BOROUGH COUNCIL (“*the Council*”) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (*restricted area*) of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

1. Restrictions

Person(s) within the *restricted area* will not – ingest, inhale, inject, smoke or otherwise use intoxicating substances.

(Intoxicating substances is given the following definition (which includes Alcohol and what are commonly known as ‘Legal Highs’) substances with the capacity to stimulate or depress the central nervous system.

2. Location

This Order applies to the land described in the area shown edged in red on the attached plan, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the *Act*, and in this Order referred to as the '*restricted area*'.

3. Offence/penalties

Alcohol – Section 63 of the *Act* says that where a constable or authorised person reasonably believes that you:

- a) Are or have been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances in which doing so would breach this order

The constable or authorised person may require you –

- a) Not to consume alcohol or anything they believe to be alcohol
- b) To surrender anything in your possession which is or reasonably believed to be alcohol or a container for alcohol.

If without reasonable excuse you fail to comply with a requirement imposed in paragraph 1 you commit an offence and are liable on summary conviction to a fine not exceeding level 2 on the stand scale (**currently £500**).

Other substances – Section 67 of the *Act* says it is an offence for a person without reasonable excuse to

- a) Do anything that is prohibited by a public place protection order or fail to comply with imposed in paragraph 1 or
- b) Fail to comply with a requirement imposed in paragraph 1

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the stand scale (**currently £1000**).

Fixed Penalty Notice

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £ 60 if paid within 10 days).

4. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

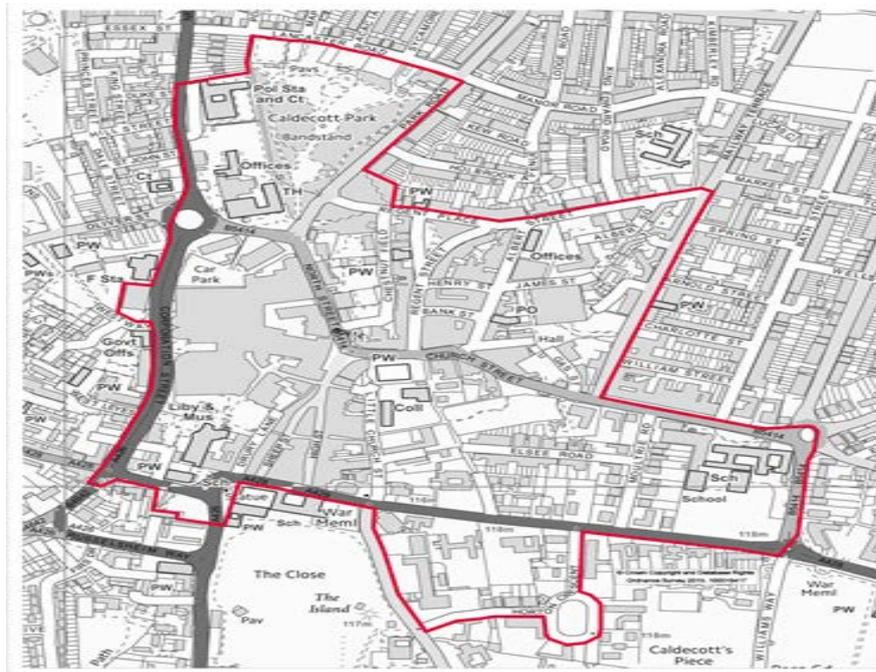
Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

5. Duration

The Order will come into force on [**date to be confirmed following consultation**] remain in place for a period of 3 years.

Restricted Area



THE COMMON SEAL of Rugby)
Borough Council was hereunto affixed)
the day of)
in the presence of:-)

Legal Services Manager



Public Spaces Protection Order – Dog Control

Rugby Borough Council has made the following Public Spaces Protection Order in relation to dog control.

The order came into force on 1 September 2017 for a period of three years and applies to all land in the borough to which the public has access, including:

- all streets and pavements throughout the borough
- all council-owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places
- all land belonging to county and parish councils to which the public has access
- all rights of way which cross land owned by the county, borough and parish councils

The order covers:

Dog Fouling

A person has committed an offence if a dog in its charge fouls on land listed in the order and the person fails to remove the faeces.

Dogs on leads

A person has committed an offence if he/she fails to keep a dog on a lead in designated areas, including public roads and pavements, council-owned cemeteries and Caldecott Park.

Dogs on leads by direction

A person has committed an offence if he/she fails to put a dog on a lead when requested to do so by an authorised officer.

Dogs exclusion

A person has committed an offence if he/she takes a dog into an enclosed children's play area or the grounds of a school controlled by Warwickshire County Council.

Fixed Penalty Notices

Fixed Penalty Notices of £100 can be issued to a person committing an offence under the Public Spaces Protection Order.

For more information on this Public Spaces Protection Order, visit www.rugby.gov.uk/dogcontrol