



**CHESHIRE EAST [BOROUGH] COUNCIL
PUBLIC SPACES PROTECTION ORDER
MACCLESFIELD TOWN CENTRE**

Cheshire East [Borough] Council [the Council] makes this Order under **Part 4 Section 59 Anti-Social Behaviour, Crime and Policing Act 2014** [hereinafter referred to as the 'Act'], having consulted as required by **Section 72** of that **Act**.

This Order takes effect on 18th July and has a duration of **3** years.

INTRODUCTION

This Order applies to the Public Place(s), or parts of the Public Place(s), known as Macclesfield Town Centre **shown edged red on the Plan attached to this Order** (the Restricted Area)

The Council is satisfied on reasonable grounds that it is likely that the activities detailed in Part-1 of this Order are being carried out and are likely to continue to be carried out in the Restricted Area, or parts of it, which have and will have 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, and is, or likely to be such, as to make the activities unreasonable. The effect of the activities, therefore, justifies the restrictions imposed.

Cheshire East [Borough Council] therefore has exercised its power under section 59(4) Anti-Social Behaviour, Crime and Policing Act 2014 to make this Order prohibiting or requiring the things specified in Part 2:

PART 1

ACTIVITIES TO WHICH THIS ORDER APPLIES

1. Consumption of alcohol in the Restricted Area.
2. Urinating/defecating on Land in the Restricted Area.

PART 2

PROHIBITIONS AND REQUIREMENTS OF THIS ORDER

1. A person in the Restricted Area is to hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by a police officer or Authorised Officer to prevent public nuisance or disorder.
2. A person in the Restricted Area shall not urinate and/or defecate on or within Land to which this Order applies.

PART 3

OFFENCES

Failure without reasonable excuse to comply with the requirements imposed by Part 2 (1) of this Order is an offence under Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014. A person guilty of an offence under Part 2 (1) of this order is liable on summary conviction to a fine not exceeding level 2 on the standard scale, namely £500.00.

Failure without reasonable excuse to comply with the requirements imposed by Part 2 (2) of this Order is an offence under Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014. A person guilty of an offence under Part 2 (2) of this order is liable on summary conviction to a fine not exceeding level 3 on the standard scale, namely £1000.00.

A constable or an Authorised Person may under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 issue a fixed penalty notice to anyone the constable or an Authorised Person has reason to believe has committed an offence under Sections 63 or 67 of that Act in relation to this Order.

PART 4

EXEMPTIONS

Part 2 (1) of this Order does not apply to premises as described in section 62 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Section 62 (1) Anti-Social Behaviour Crime and Policing Act 2014:

- (a) premises authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which has a Temporary Event Licence by virtue of Part 5 of the Licensing Act 2003;
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980.

Section 62 (2) Anti-Social Behaviour Crime and Policing Act 2014:

A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises when the premises are being used for the supply of alcohol.”

PART 5

DEFINITIONS

In this Order:

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.

Land means any passageway, pavement, verge, road, recreational space, park or common and any apparatus or structure situated upon it or within them, which is a Public Place within the meaning of this Order, and includes the curtilages of premises adjoining a passageway, pavement, verge, road, recreational space, park or common.

Authorised Person means a person so authorised by Cheshire East [Borough] Council to issue a fixed penalty notice pursuant to S.68 of the Anti-Social Behaviour Crime and Policing Act 2014.

PART 6

OTHER MATTERS

A Police Constable, Police Community Support Officer or Authorised Person must show authorisation when reasonably requested to do so.

In making this Order the Council certifies that it has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

PART 7

APPEALS

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 or Variation is made.

APPENDIX

PLAN - Map of area (outlined in red) in which **Part 1** and **Part 2** of this Order applies

By order of Cheshire East Borough Council acting under the authority of its Environment and Community Committee.

Dated: *****