

CHESHIRE EAST BOROUGH COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014

**THE CHESHIRE EAST BOROUGH COUNCIL () PUBLIC SPACES
PROTECTION ORDER 2014**

The Cheshire East Borough Council “the Council” makes this Order under section 59 of the 2014 Act, having consulted as required by section 72.

The Order takes effect on and has a duration of 12 months.

It applies to the public place namely known as “Poynton Sports Club” which is shown on the plan attached to the Order.

The Council is satisfied that activities have been carried out in this Restricted Area which 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, is or likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The activities carried out are as follows:

First, persons have been gathering in vehicles in the Restricted Area with no intention of using the facilities or not leaving after using facilities causing noise with the vehicles, driving and parking without proper care and consideration, encouraging other persons to gather at these vehicles and depositing litter.

Persons have been in possession of intoxicating substances and have both possessed and consumed these substances within the Restricted Area resulting in intoxication, anti-social behaviour and littering.

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents, visitors to the area and businesses.

The Council therefore under section 59(4) prohibits:

1. Person(s) within this area will not possess, 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 medical remedy, are cigarettes (tobacco), *alcohol purchased from the premises bar and consumed within that premises* or vaporisers or are food stuffs regulated by food health and safety legislation

APPENDIX 2

2. Entry to and attendance at the Restricted Area by persons in a mechanically propelled vehicle whom are **not** using the facilities within the restricted area.

- “using the facilities” will include those visiting the restricted area to attend events, use the facilities or attend to drop off/pick up individuals/items within the restricted area

3. Speeding

4. Driving in convoy

5. Racing

6. Performing Stunts

7. Sounding horns (as to cause public nuisance)

8. Playing music (as to cause public nuisance)

9. Revving engines

10. Wheel spins

11. Using foul or abusive language

12. Using threatening, intimidating behaviour towards another person

12. Causing an obstruction on a public highway or in a publicly accessible place, or private land, whether moving or stationary (such as parking in a circle, across or outside parking bays, causing annoyance or obstruction to other users within the designated area)

13. Creating excessive noise

14. Causing damage or significant risk of damage to property

16. Creating significant public nuisance

17. Engaging in anti-social behaviour covered by any existing legislation

18. Congregating to spectate the above activities

19. Remaining in the area, refusing to leave the area or returning to the area within 24 hours of being requested to do so by an authorised officer.

and requires:

1. Person(s) within this area who breach prohibition 1 shall: surrender intoxicating substances in his/her possession to an authorised person.
- An authorised person could be a Police Constable, Police Community Police Officer or Council Officer, and must be able to present their authority upon request.

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. A person guilty of this offence under section 67 is liable on 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/she has reason to believe has committed an offence under section 67 in relation to this Order.

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 or Variation is made.

APPENDIX 2

APPENDIX:

A plan of the restricted area to which this order applies; namely Poynton Sports Club and grounds.

Signed.....

By authority of the Cheshire East Borough Council under section 101 of the Local Government Act 1972

Westfields,
Sandbach,
Cheshire

Dated:.....

APPENDIX 2

APPENDIX: COPY OF ATTACHED PLAN OF POYNTON SPORTS CLUB BOUNDARIES TO WHICH THE PSPO WILL APPLY (WITHIN THE AREA MARKED RED)

