

Appendix 1 – The Draft Order

NOTTINGHAM CITY COUNCIL

MERCHANT STREET

PUBLIC SPACES PROTECTION ORDER 2015

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER 2
SECTION 59 – 75)

1. Nottingham City Council, being satisfied on reasonable grounds that the ***activities prohibited by Articles 4 – 6 and Articles 7.1 of this Order in the Restricted Area:***

- ***have had or are likely to have a detrimental effect on the quality of life of those in the locality, or***
- ***that it is likely that these activities will be carried out within that area and have such an effect, and***
- ***that the effect, or likely effect, of these 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***

HEREBY makes the following Order.

2. In this Order:

Authorised Officer of the Authority	means an employee of the Authority who is authorised in writing by the Authority for the purposes of Article 9.1 of this Order
Authorised Person	means (1) an Authorised Officer of the Authority, or (2) a police constable, or (3) a community support officer designated under Paragraph 5 of Part 1 of Schedule 4 to the Police Reform Act 2002
the Authority	means Nottingham City Council
Ball Games	means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching
Disorderly Behaviour	includes but is not limited to the following types of behaviour: <ul style="list-style-type: none">• causing a nuisance by shouting, or arguing with un-associated members of the public or others within a Prohibited Group• causing a nuisance by making any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the Restricted Area by:<ul style="list-style-type: none">(a) shouting or singing;(b) by operating or permitting to be operated an electrical device capable of amplified

	<p>speech or music</p> <ul style="list-style-type: none"> • Throwing or using any device to propel or discharge any object which is liable to cause injury to any other person or damage to property or street furniture in the Restricted Area • Intentionally or recklessly disturbing any inhabitant, by pulling or ringing any door bell, or knocking at any door or window within the Restricted Area without valid excuse • Leaning against, climbing on, climbing in or in any way interfering with any Motor Vehicle in the Restricted Area without the permission of the owner of the said Motor Vehicle • Spitting in, onto or from the Restricted Area save where done within a handkerchief, tissue, bin, spittoon, or other similar receptacle for the purpose of proper disposal
Motor Vehicle	has the meaning given by section 136(1) of the Road Traffic Regulation Act 1984
Plan	the plan attached to this Order
Restricted Area	means the land designated in the Schedule to this Order
The 2014 Act	Anti-social Behaviour, Crime and Policing Act 2014
Threatening or abusive words or behaviour	<p>Includes but is not limited to:</p> <ul style="list-style-type: none"> • Threats made to un-associated members of the public or to others within the Prohibited Group • Displays any writing, sign or other visible representation which is threatening or abusive • Persistently shouting abuse or obscenities towards un-associated members of the public or to others within the Prohibited Group

3. This Order comes into force on [insert date] 2015 and remains in force for a period of three years from that date.

Prohibitions:

4. No person shall play Ball Games in the Restricted Area.
5. No person shall spit in, onto or from the Restricted Area.
6. No person shall climb on any wall or fence in the Restricted Area, or any tree, or any barrier, railing, post or other Structure within the Restricted Area.

7.1 Groups of two or more persons are prohibited in the Restricted Area where one or more of the said group causes harassment, alarm or distress to any other person in the Restricted Area by continued:

- (a) use of Threatening or abusive words or behaviour; or
- (b) Disorderly behaviour.

7.2 For the purposes of Article 7.1 such behaviour is continued where an Authorised Person has:

- (a) Informed them that if the behaviour continues that they will be deemed to constitute a Prohibited Group and will commit an offence, and
- (b) asked the relevant person(s) in the group to desist from such behaviour but they have refrained from doing so.

Offence:

- 8 A person who fails without reasonable excuse to comply with a requirement imposed on him under Article 4, Article 5 or Article 6 of this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 9 A person who without reasonable excuse is a member of a Prohibited Group commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 10 A person does not commit an offence under Article 5 where the spitting is done within a handkerchief, tissue, bin, spittoon, or other similar receptacle for the purpose of proper disposal.
- 11 A person does not commit an offence under this Order by failing to comply with a requirement that the Authority did not have power to include in the Order.

Dated this day of 2015

Given under the **Common Seal**)

Of **Nottingham City Council**)

Authorised Signatory

SCHEDULE

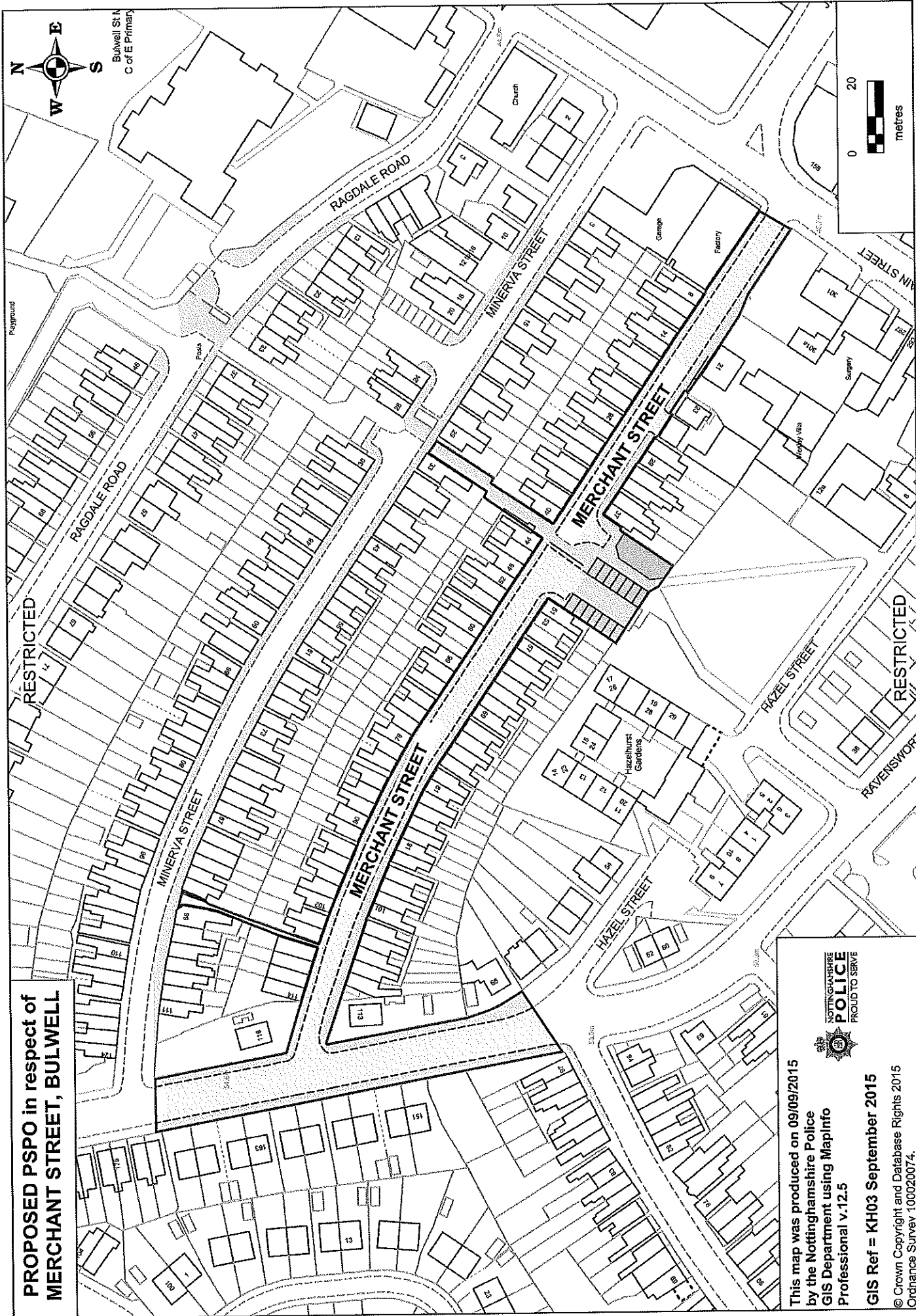
This Order applies to all land outlined in red on the Plan that is open to the air and to which the public are entitled or permitted to have access (without or without payment). For the purposes of this Schedule land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

DRAFT

NOTTINGHAM CITY COUNCIL
MERCHANT STREET
PUBLIC SPACES PROTECTION ORDER 2015

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER 2
SECTION 59 – 75)

DRAFT



**PROPOSED PSPO in respect of
MERCHANT STREET, BULWELL**

This map was produced on 09/09/2015
by the Nottinghamshire Police
GIS Department using MapInfo
Professional v.12.5

GIS Ref = KH03 September 2015

© Crown Copyright and Database Rights 2015
Ordnance Survey 100020074.

