

NOTTINGHAM CITY COUNCIL

NOTTINGHAM CITY CENTRE CONTROL OF ACCESS TO SPECIFIED CAR PARKS

PUBLIC SPACES PROTECTION ORDER 2020

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

- 1 Nottingham City Council being satisfied on reasonable grounds that activities carried on in car parks within the Restricted Area including drug taking and dealing, the leaving behind of drug paraphernalia, urination and defecation, begging, theft of and theft from vehicles and criminal damage
- i) have had a detrimental effect on the quality of life of those in the locality of the Restricted Area or that it is likely that these activities will be carried out in the Restricted Area and that they will have such an effect, and
 - ii) that the effect or likely effect of these activities is or is likely to be of a persistent or continuing nature, and
 - iii) that these activities are unreasonable, and
 - iv) justify the restrictions and prohibitions imposed by this Order

HEREBY makes the following Order:

- 2 In this Order and Schedules to this Order:

Authorised Officer of the Council	means an employee of the Council who is authorised in writing by the Council for the purposes of the specific Article concerned
Authorised Person	means - i) an Authorised Officer of the Council; ii) a police constable; or iii) a community support officer designated under Paragraph 5 of Part 1 of Schedule 4 to the Police Reform Act 2002
the Council	Nottingham City Council
Car Park	a car park that forms part of the Restricted Area
Driver	has the meaning ascribed by section 192(1) Road Traffic Act 1988 and “drive” “driving” and “driven” are to be interpreted

	accordingly
Electronic Communications Works	has the meaning in Schedule 3 of the Communications Act 2003
Footway	means that part of a Carriageway over which the public have a right of way for the passage of pedestrians
Highway	means land over which the public have a right to pass and repass
Land	means any corporeal hereditament including a building
Motor Vehicle	has the meaning given by section 185(1) of the Road Traffic Act 1988 and includes motor cars and motor cycles as defined by that section
Owner	has the meaning given by section 329(1) of the Highways Act 1980
Restricted Area	means the Land designated in Schedule 1 to this Order
Pedal Cycle	has the meaning given by section 192 of the Road Traffic Act 1988
Personnel	includes an employee, member, holder of a post, and authorised agent
Public Place	has the meaning given by section 74(1) of the 2014 Act
the 2014 Act	Anti-social Behaviour, Crime and Policing Act 2014

- 3 This Order comes into force on XXXXXXXX and remains in effect for a period of three years from that date

RESTRICTIONS AND PROHIBITIONS

- 4 Save as provided in Article 5 below no person (“P”) shall enter or remain in the Restricted Area during the times specified in Schedule 2 to this Order.

- 5 Nothing in Article 4 shall apply to the following:
- (a) any person who has Driven a Motor Vehicle into a Car Park for the purpose of parking that Motor Vehicle together with any passengers in the said Motor Vehicle at that time but only until the said Motor Vehicle has been parked
 - (b) any person (“B”) being in charge of a Motor Vehicle parked in a Car Park who has entered that Car Park for the purpose of taking an article or articles out of or putting an article or articles into that Motor Vehicle only or any person with the express permission of B who has entered that Car Park for that purpose only
 - (c) any person (“C”) being in charge of a Motor Vehicle parked in a Car Park who has entered the Car Park for the purpose of removing that Motor Vehicle from that Car Park together with any passengers accompanying C at that time but only until that Motor Vehicle has been removed from that Car Park
 - (d) any person who has entered a Car Park while in charge of a Pedal Cycle for the purpose of parking that Pedal Cycle in that Car Park where Pedal Cycle parking is permitted in that Car Park at that time but only until the Pedal Cycle has been so parked
 - (e) any person being in charge of a Pedal Cycle parked in a Car Park and who has entered that Car Park for the purpose of removing that Pedal Cycle from that Car Park but only until that Pedal Cycle has been removed from that Car Park
 - (f) the Personnel of the Ambulance, National Health Services, Fire and Rescue Services or Police proceeding in the Restricted Area whilst on duty or carrying out the functions of those services
 - (g) any Owner, leaseholder and or manager of a Car Park, their Personnel, and any person who enters their Car Park with their permission or on their direction for the purposes of operating, managing or maintaining the relevant Car Park
 - (h) an Authorised Person
 - (i) any person who has the express permission of or enters on the direction of an Authorised Person
 - (j) any person who has entered a Car Park at the request of a person in charge of a Motor Vehicle located in that Car Park for the purpose of carrying out emergency works of repair arising from an accident or breakdown of that Motor Vehicle and in circumstances where such repairs within that Car Park are necessary but only for the purpose of such emergency works of repair

- (k) any person carrying out any works for the laying erection alteration inspection or repair of any sewer main pipe or apparatus in on under or adjacent to the Restricted Area in connection with the supply of gas water electricity or Electronic Communications works
- 6.1 Subject to Article 6.3 an Authorised Person who reasonably believes that P is in breach of the prohibition contained in Article 4 of this Order may require that P stop that breach forthwith
- 6.2 The Authorised Person who imposes a requirement under Article 6.1 of this Order must
 - 6.2.1 explain to P the nature of the breach of Article 6.1 of this Order, and
 - 6.2.2 tell P that failing without reasonable excuse to comply with that requirement is an offence
- 6.3 A requirement imposed by an Authorised Officer of the Council under Article 6.1 of this Order is not valid if the person
 - 6.3.1 is asked by P to show evidence of his or her authorisation, and
 - 6.3.2 fails to do so
- 7 A person who fails without reasonable excuse to comply with a requirement imposed on him or her under 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
- 8 A person does not commit an offence under this Order by failing to comply with a requirement or prohibition that the Council did not have the power to include in the Order
- 9 The requirement imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulation or regulations made or having effect as if made under any other legislation including orders made under the Road Traffic Regulation Act 1984
- 10 Unless otherwise provided any reference in this Order to any legislation shall be construed to include any amendment replacement or re-enactment thereof for the time being in force and to include any regulation delegation order notice and direction made thereunder

Dated this day of 2020

Given under the **COMMON SEAL**)

Of **NOTTINGHAM CITY COUNCIL**)

Authorised Signatory

DRAFT

SCHEDULE 1

RESTRICTED AREA

This Order applies to all parts of each and every car park described in Part 1 below which is a Public Place and which for illustrative purposes is outlined in red on the plans numbered 1 to 10 attached to this Order whether covered, enclosed or not:

Part 1

NCP Mount Street car park, Mount Street, Nottingham, NG1 6HG

NCP St James Street car park and NCP St James Street car park 2, 5 St James's Street, Nottingham, NG1 6EY

NCP Maid Marian Way car park (previously known as Arndale Centre car park), Maid Marian Way, Nottingham, NG1 6AE

Lace Market car park (previously known as Fletcher Gate car park), Pilcher Gate, Nottingham, NG1 1QE

NCP Stoney Street car park, Stoney Street, Nottingham, NG1 1LS
Trinity Square car park, North Church Street, Nottingham, NG1 4AF

Trinity Square car park, North Church Street, Nottingham, NG1 4AF

NCP Huntingdon Street car park, Union Road, Nottingham, NG3 1FG

Crowne Plaza car park, Wollaton Street, Nottingham, NG1 5RH

Euro car park, Upper Parliament Street, Nottingham, NG1 6LD

SIP car park (Avalon Court), 5 Kent Street, Nottingham, NG1 3LS

SCHEDULE 2

HOURS OF OPERATION

Access to each and every Car Park is prohibited at all times and on all days that that Car Park is open to the public.

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