

Appendix 3
First Draft PSPO

NOTTINGHAM CITY COUNCIL

MANAGEMENT OF NOTTINGHAM CITY CENTRE

PUBLIC SPACES PROTECTION ORDER 2018

(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 and or restricted by Articles 4 to 9 and 12 and 14 to 15 of this Order in the Restricted Area:
 - 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 Schedule to this Order:

Advertisement	has the meaning in section 336 (1) of the Town and Country Planning Act 1990
Authorised Officer of the Council	means an employee of the Council who is authorised in writing by the Council for the purposes of Article 9 of this Order
Authorised Person	means - <ol style="list-style-type: none">i) an Authorised Officer of the Council;ii) a police constable; oriii) a community support officer designated under Paragraph 5 of Part 1 of Schedule 4 to the Police Reform Act 2002
Authorised Big Issue Pitch	means a location specified on the Council's website as amended and updated from time to time where the Council permits the sale of the Big Issue Magazine

	subject to Article 5.2 and 5.3 of this Order
Authorised Busking Location	means a location specified on the Council's website as amended and updated from time to time where the Council permits Busking subject to Articles 8 and 9 of this Order
Big Issue Foundation	means the charity registered with the Charity Commission in England and Wales under number 1049077
Big Issue Magazine	means a periodical magazine published by the Big Issue Foundation
Busker	means a person Busking
Busking	<p>means the provision of Entertainment in the Restricted Area but does not include the provision of Entertainment-</p> <ul style="list-style-type: none"> i) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing)); ii) which is authorised specifically to take place in a street under any other enactment; or iii) consisting of music performed as an incident of a religious meeting, procession or service; <p>and "Busk" and "Busks" shall be construed accordingly</p>
Connected Group of Buskers	means two or more Buskers who are Busking together as a group and providing one joint Entertainment
the Council	Nottingham City Council
Distribute	<p>means to –</p> <ul style="list-style-type: none"> i) give out to; ii) offer to; or iii) make available to <p>a person or persons</p> <p>and "Distributing" "Distributor" "Distribution" "Distributed" and "Distributes" shall be construed accordingly</p>
Entertainment	includes but is not limited to the following types of behaviour –

	<ul style="list-style-type: none"> i) the playing of music or use of a musical instrument; ii) mime; iii) singing; iv) dancing; v) street theatre; or vi) other form of entertainment or activity <p>with the aim of attracting an audience and or receiving payment or donation</p>
Exempted Substance	has the meaning given by paragraphs 2 – 7 of Schedule 1 of the Psychoactive Substances Act 2016
Free	<p>means without payment or charge and shall include Matter which is Distributed subject to–</p> <ul style="list-style-type: none"> i) a voluntary payment or charge; or ii) discretionary donations which includes required and suggested donations
Highway	has its common law meaning
Impliedly Requested By Conduct	includes but is not limited to standing sitting lying or loitering in the vicinity of an automated teller machine taxi rank or public transport stop except in circumstances where they personally intend to use the same
Open to the Air	means land which is open to the air on at least one side and for the avoidance of doubt this includes car parks which are covered and multi storey car parks.
Matter	means any item material substance object or thing
Mobile Advertisement	means an Advertisement comprising of or included on a placard borne by or a sandwich board or costume worn by a person or animal
Restricted Area	means the land designated in the Schedule to this Order outlined [how] on the Plan
Plan	the plan attached to this Order
Psychoactive Substance	has the meaning given by section 2 of the Psychoactive Substances Act 2016
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
Unauthorised Requests	means a request which is not authorised by law or by permit licence or other written consent or authority of the Council

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

RESTRICTIONS AND PROHIBITIONS

Management of street scene environment including behaviours obstructing other users of the Restricted Area

- 4 No person shall remain in the Restricted Area so as to
- 4.1 obstruct ingress to or egress from any building; or
 - 4.2 prevent or hinder the street cleansing activity of the Council; or
 - 4.3 hinder the free passage of pedestrians or vehicles along a Highway
- 5 No person shall sell or offer for sale the Big Issue Magazine within the Restricted Area unless they are
- 5.1 located on an Authorised Big Issue Pitch, and
 - 5.2 wearing their Big Issue tabard issued by the Big Issue Foundation, and
 - 5.3 displaying their valid Big Issue identification badge issued by the Big Issue Foundation
- 6 No person shall display a Mobile Advertisement within the Restricted Area unless
- 6.1 they have written consent from the Council for that Mobile Advertising, and
 - 6.2 they are operating in accordance with the terms of that consent

- 7 No person shall Busk within the Restricted Area unless they
- 7.1 are located in an Authorised Busking Location, and
 - 7.2 comply with Article 8 of this Order
- 8 Subject to Article 9 of this Order a maximum of one Busker or one Connected Group of Buskers shall be allowed to Busk in an Authorised Busking Location at any one time
- 9 Where an Authorised Person reasonably believes that a Busker or connected group of Buskers (“B”) is Busking in an Authorised Busking Location but is or has been in the opinion of the Authorised Person causing an unreasonable disturbance to persons in that locality the Authorised Person may require that Busker or Connected Group of Buskers concerned to stop Busking forthwith
- 10 The Authorised Person who imposes a requirement under Article 9 of this Order must tell B that failing without reasonable excuse to comply with that requirement is an offence
- 11 A requirement imposed by an Authorised Officer of the Council under Article 9 of this Order is not valid if the person
- 11.1 is asked by B to show evidence of his or her authorisation, and
 - 11.2 fails to do so
12. No person shall Distribute Free Matter in the Restricted Area to a person or persons not known to the Distributor unless they are authorised by law permit licence or the written consent of the Council for that Distribution

Unauthorised Requests in the Restricted Area

13. No person shall
- 13.1 make an Unauthorised Request for money personal items charitable and or other donations whether expressly or Impliedly Requested By Conduct; or

13.2 stop or approach another person to make an Unauthorised Request with the intention of asking that other person

13.2.1 to enter into any arrangements which involve that other person making any future payment for any charitable or other purposes; or

13.2.2 for any information to assist that other person being contacted at another time with a view to making arrangements for that person to make any payment for any charitable or other purposes

Urination/Defecation in the Restricted Area

14. No person shall urinate or defecate in the Restricted Area (which includes a doorway or alcove of any premises to which the public has access)

Psychoactive Substances in the Restricted Area

15. No person shall possess or ingest a Psychoactive Substance in the Restricted Area other than Exempted Substances

OFFENCE

16. A person who fails without reasonable excuse to comply with a prohibition and or requirement imposed on him or her under Articles 4 to 9 and 12 and 14 to 15 of this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale

18. 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

Dated this day of 2018

Given under the **COMMON SEAL**)

Of **NOTTINGHAM CITY COUNCIL**)

Authorised Signatory

DRAFT

SCHEDULE

This Order applies to all land outlined with a bold blue line on the Plan that is Open to the Air and a Public Place

DRAFT

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MANAGEMENT OF NOTTINGHAM CITY CENTRE
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(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER 2
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