

Public Space Protection Order 1 of 2018

Anti-Social Behaviour, Crime and Policing Act 2014

Luton Borough Council (“the Council”) makes this Order, being satisfied on reasonable grounds that the following activities:

- consumption of alcohol in public places;
- failure to keep dogs on leads in public places;
- failure to keep dogs under proper control in public places;
- failure to remove dog faeces from public places;
- spitting in public places; and
- urinating and defecating in public places; and;
- begging;

have had or are likely to have a detrimental effect on the quality of life of those in the locality described in paragraph 3 of this Order and referred to as ‘the restricted area’, or it is likely that such activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.

This Order comes into force at midnight on 5th July 2018 for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.

It is an offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing in this Order; or,
- (b) to fail to comply with any requirement to which the person is subject under this Order.

A person guilty of an offence in relation to this Order, other than under paragraphs 2. (a) or 2. (b), is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00). A person guilty of an offence under paragraphs 2. (a) or (b) of this Order is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00).

An Authorised Officer may issue a fixed penalty notice to any person he or she has reason to believe has committed an offence in relation to this Order. A fixed penalty notice offers the opportunity to discharge liability for conviction upon payment of a penalty of £75.00

The Council hereby requires by way of this Order that:

1. Conditions in the Order which are prohibitions

The activities described below are hereby prohibited as from the date of this Order:

(a) Alcohol

All persons are prohibited from, at any time, consuming alcohol or having an open alcohol container, in the restricted area unless they are on premises subject to any of the following exemptions:

- 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 by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been used within 30 minutes before that time.
- 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 115 of the Highways Act 1980 (highway related uses).

(b) Dog Fouling

All persons are prohibited from, at any time, leaving or allowing to be left any dog faeces deposited by any dog under their control, care or ownership save in a designated dog faeces bin or public rubbish bin.

(c) Dogs to be on a lead at all times

All persons are prohibited from, at any time, allowing a dog under their control, care or ownership to be in the restricted area without being on a securely fastened lead except within the boundary of Manor Park.

(d) Dogs to be kept under control at all times

All persons are prohibited from, at any time, allowing a dog under their control, care or ownership to be in the restricted area without it being under proper control. All persons are prohibited from allowing a dog under their control, care or ownership to cause nuisance, annoyance or injury to any person.

(e) Begging

- (i) All persons are prohibited from, at any time, approaching another person, who is not a member of their family or their friend either verbally or by conduct to ask for money or other objects or items from that other person in the restricted area.

- (ii) All persons are prohibited at any time from sitting, standing or loitering or being in possession of a receptacle used to obtain monies, for the purpose of asking for money or other objects or items in the restricted area. This includes the use of signage, children or animals.
- (iii) Paragraphs (e)(i) and (ii) above do not apply to any person who is acting under the authority of a permit granted under the Police, Factories Etc. (Miscellaneous Provisions) Act 1916 or other enactment authorising street collections.

Spitting

- (f) All persons are prohibited from, at any time, spitting on to the ground, any bench, chair or other piece of street furniture or any other surface or item in the restricted area.

Urinating and Defecating

- (g) All persons are prohibited from, at any time, urinating or defecating in any part of the restricted area other than into a toilet to which the public are allowed access.

2. **Conditions in this Order which are Requirements**

The requirements described below that all persons must comply with as from the date of this Order are:

- (a) Not to consume alcohol [or anything which an authorised officer reasonably believes to be alcohol] in the restricted area when required not to do so by an authorised officer.
- (b) Surrender any alcohol in his or her possession when required to do so by an authorised officer in the restricted area.
- (c) Remove immediately any dog faeces left in the restricted area by any dog which is under their control, care or ownership. .
- (d) Place a lead on any dog which is under their control, care or ownership at all times when the dog is within the restricted area, except within the boundary of Manor Park.
- (e) To keep any dog under their control, care or ownership under proper control and prevent it from causing nuisance, annoyance or injury to any person at all times when the dog is in the restricted area.

3. The land in relation to which this Order applies is that land in the area of the Luton Town Centre as outlined in red on the map attached at Appendix 1 which is referred to as 'the restricted area'. The map attached at Appendix 2 shows the parts of The Mall Shopping Centre in which the Order applies outlined in green. The map attached at Appendix 3 shows the parts of The Galaxy in which the Order applies outlined in yellow.

General

An 'Authorised Officer' means a person authorised by the Local Authority, a police Officer or a Police Community Support Officer.

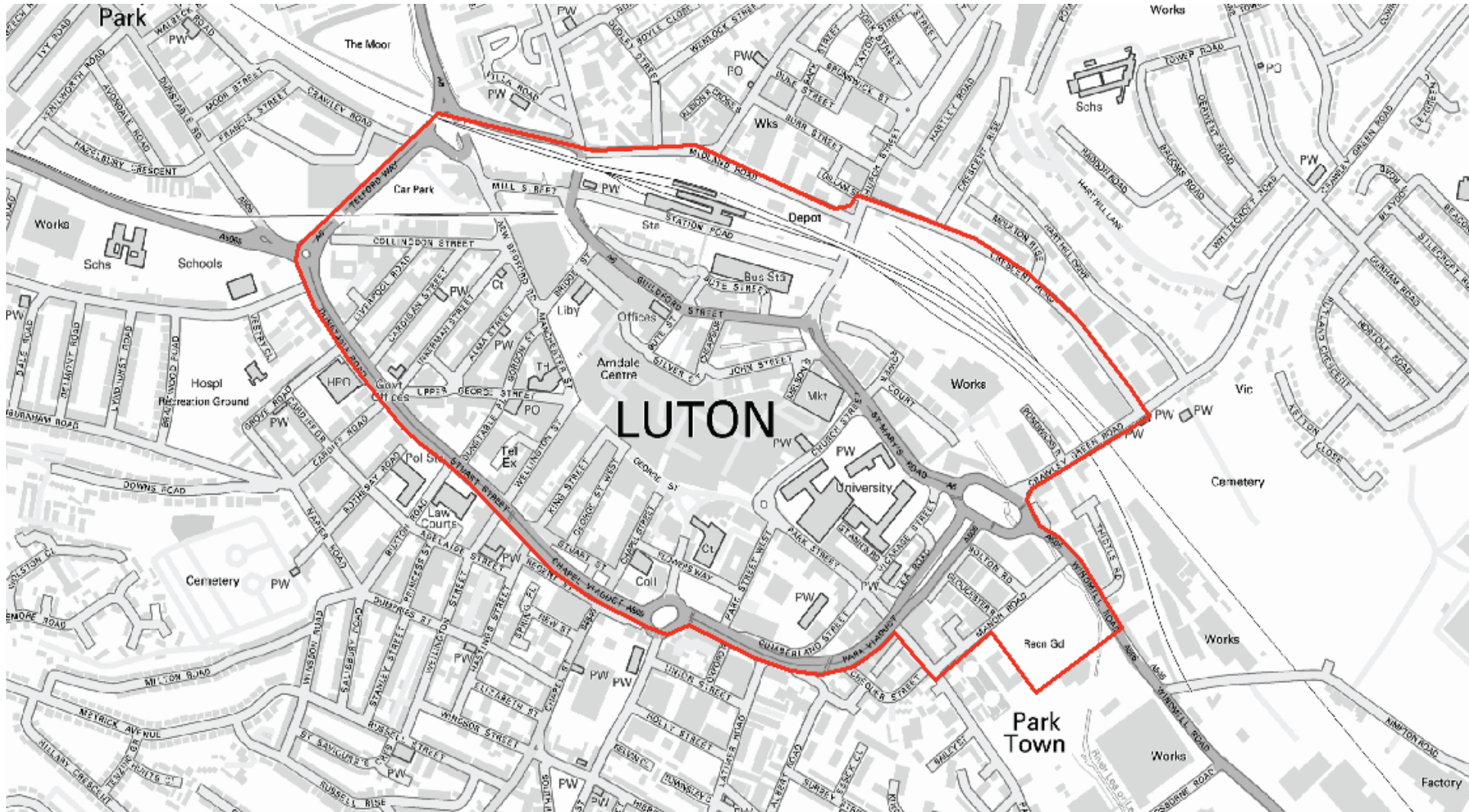
The Council is satisfied that the conditions set out in s59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 have been satisfied and that is in all the circumstances expedient to make this Order for the purposes of reducing anti social behaviour in the restricted area. The Council makes the order because anti-social behaviour in the restricted area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed in this Order.

Any person who lives, works or regularly visits the restricted area who wishes to question the validity of this Order on the grounds that:

- (a) the Council has no power to make it;
- (b) or to include any particular prohibitions or requirements in it;
- (c) or that any requirement of the Act has not been complied with in relation to this Order,

may apply to the High Court within six weeks from the date on which this Order is made.

APPENDIX 1



APPENDIX 2

