

APPENDIX 1

Coventry City Council Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 Public Spaces Protection Order (Citywide) 2024

This Order is made by Coventry City Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to all areas within the City of Coventry (as shown on attached map and outlined in Appendix two), including places open to the public and privately owned land made available to the public ("the Restricted Area").

2. The Council is satisfied that the two conditions required by the Act have been met, in that:-

- a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
- b. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

By this Order

3. The following prohibitions and/or requirements are imposed in the Restricted Area at all times, unless specifically stated:-

a. Consumption of alcohol in public places, away from licensed premises

It will constitute an offence should any person, when requested by an authorised officer, not cease from drinking alcohol in a public place away from licensed premises and not surrender any opened vessels of alcohol. Any unopened alcoholic drinks in the possession of a person in a public place away from licensed premises may be subject to confiscation or disposal should an authorised officer believe the person is;

- i) Under 18 years of age
- ii) Intoxicated
- iii) Likely to consume the alcohol in public and cause nuisance if left with them

Premises etc to which alcohol prohibition does not apply

The prohibition in this public spaces protection order on consuming alcohol does not apply to;

- (a) premises (other than council-operated licensed 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 so used within the 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 115E of the Highways Act 1980 (highway-related uses) [F2or by virtue of a pavement licence under section 1 of the Business and Planning Act 2020].

(2) The prohibition in this public spaces protection order on consuming alcohol does not apply to council-operated licensed premises;

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

Offences under this section of the Public Space Protection Order:

a. A person who breaches this section of the Order shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

b. A Fixed Penalty Notice can be issued to offenders who breach this Order which if paid would discharge any liability to conviction for an offence under Section 67(1) of the Act.

b. Mechanically Propelled Vehicles

Mechanically propelled vehicles (hereafter referred to as “MPV”) are prohibited from being used on land owned by the Council or any other land open to the public without the express or implied permission of the landowner in the Restricted Area.

A person is prohibited from having a MPV in their possession but not being ridden when in a public place or on a highway or pavement, unless they can produce appropriate insurance for use of the MPV on a public highway.

The only exception will be granted for persons wheeling a MPV to a clearly identified van or trailer for onwards transportation.

The following list is of MPVs included in this order, but this list is intended to be indicative, not exhaustive;

- Motorbikes (road going and off road) Including mini “pee-wee” bikes
- Quad Bikes and mini quad bikes
- Motor Cars

The following MPV’s are exempt from the Order:

Vehicles for use by a person with a mobility impairment, and being used by someone with a mobility impairment.

Offences under this section of the Public Space Protection Order:

a. A person who breaches this section of the Order shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

b. A Fixed Penalty Notice can be issued to offenders who breach this Order which if paid would discharge any liability to conviction for an offence under Section 67(1) of the Act.

This Order may be cited as 'The Public Space Protection Order (Citywide 2024)' and shall come into force on 2nd October 2024 and remain in force for a period of three years.

Appeals

Any challenge to this Order must be made at the High Court by an interested person within six (6) weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds:

- 1) that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or
- 2) that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash, or vary the Order.



..... **JULIE NEWMAN, Director of Law and Governance**

Made under the Common Seal of Coventry City Council on this day of 2024

The Common Seal of the Council of the City
of Coventry was hereunto affixed to this
Direction in the presence of

Authorised Signatory