

The Public Spaces Protection Order – Ashfield District Council 2021 (the “Order”)

NOTICE IS HEREBY GIVEN THAT Ashfield District Council in exercise of its power under the Anti-social Behaviour, Crime and Policing Act 2014 (the “Act”) has extended The Public Spaces Protection Order – (Ashfield District Council) 2015 (as extended and varied 2018) for a further period of 3 years and has varied that Order to include two new prohibitions, namely Restricting Access at the strip of land between Bentinck Street and Welbeck Street, Sutton-in-Ashfield, Nottinghamshire and Car Cruising on Land at Junction 27 of the M1, Nottinghamshire.

The Order comes into force on 1 October 2021 and shall have effect for a period of 3 years, unless extended by further orders under Ashfield District Council’s statutory powers.

The Order creates offences relating to Prohibition of Alcohol Consumption, Urinating, Direction to move on, Dog Fouling, Failure to produce device or other suitable means of removing dog faeces on demand, Dog Exclusion, Dogs on leads, Dogs on lead by direction, Dogs specified maximum amount and:

1. Extends The Public Spaces Protection Order – (Ashfield District Council) 2015 (as extended and varied 2018) for a further period of 3 years – to end on 30 September 2024.
2. Includes a new prohibition, namely “Restricting Access” (Article 10) as follows:
 - 10.1 This Article applies to land specified in Schedule 5 of this Order (“the Restricted Access Highway”).
 - 10.2 A person commits an offence if at any time he uses the public right of way on land to which this article applies unless he has a reasonable excuse for doing so.
 - 10.3 A barrier or barriers may be installed, operated and maintained at each of the respective ends of the Restricted Access Highway. Ashfield District Council is responsible for maintaining and operating the barrier or barriers.
 - 10.4 In accordance with section 67 of the Act a person who is guilty of an offence under article 10 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
3. Includes a new prohibition, namely “Car Cruising” (Article 11) as follows:
 - 11.1 This Article applies to land specified in Schedule 6 of this Order (“Restricted Area Car Cruising Junction 27”).
 - 11.2 A person commits an offence if at any time without reasonable excuse he:
 - (a) participates in Car Cruising;
 - (b) promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, Facebook, Twitter or similar social media, or any publication or broadcast);
 - (c) attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising is taking place.
 - 11.3 “Car Cruising” is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place where any such vehicle or occupant of such vehicle performs any of the Prohibited Activities.
 - 11.4 The “Prohibited Activities” are:
 - (a) causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - (b) causing damage or risk of damage to property;
 - (c) speeding or racing;
 - (d) performing stunts (including but not limited to performing a doughnuts manoeuvre drifting, skidding, handbrake turns, wheel spinning);
 - (e) sounding horns or playing loud music so as to cause a nuisance;
 - (f) revving of engines so as to cause a nuisance;
 - (g) using foul or abusive language;
 - (h) using threatening, intimidating or anti-social behaviour; or
 - (i) causing obstruction on a public highway or publicly accessible place (whether moving or stationary)
 - 11.5 In accordance with section 67 of the Act a person who is guilty of an offence under article 11 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences and Fixed Penalty Notices

A person who is guilty of an offence under the proposed Order may be prosecuted and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. A person who is guilty of an offence under section 63(2) of the Act (continuing to consume alcohol and failing to surrender alcohol) may be prosecuted and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. Ashfield District Council intends to issue fixed penalty notices to enforce the proposed Order, the amount of the fixed penalty notice will be £100. Failure to pay may lead to prosecution.

This information can also be viewed on the Council website by going to:
www.ashfield.gov.uk