

Public Spaces Protection Order
Number 1 of 2020 "Walsall Town Centre"

Walsall Metropolitan Borough Council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, having had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention, makes the following order:

Public Spaces Protection Order: Section 59 Anti-social Behaviour, Crime and Policing Act 2014

PUBLIC SPACES PROTECTION ORDER

Section 59 Anti-social Behaviour, Crime and Policing Act 2014

Date 22 September 2020

The restricted area covered by this Public Spaces Protection Order is edged in red on the map attached to this Order. All the provisions of the Order, save for prohibition 2, apply throughout the restricted area. Within the restricted area is an area shown hatched in blue which is the market place. Prohibition 2 of the Order applies to the area hatched in blue.

It is ordered that in this restricted area:-

1. No person shall remain in a shop, betting office, or food outlet so as, without reasonable excuse, to cause harassment, alarm, or distress.
2. No person shall remain at Walsall Market, shown hatched in blue on the map so as, without reasonable excuse, to cause harassment, alarm, or distress.
3. No person without reasonable excuse shall in a public place use a hypodermic needle to inject themselves or another.
4. No person shall, without reasonable excuse, throw down, drop or otherwise deposit and leave in any public place a hypodermic needle or other drug paraphernalia.
5. No person shall beg in a manner so as to cause harassment alarm or distress.
6. No person shall remain in a bus station, a bus shelter, at the cenotaph or in the doorway of any building so as, without reasonable excuse, to cause harassment, alarm, or distress.
7. No person shall consume alcohol.
8. No person shall consume any psychoactive substances.
9. No person shall, except in a lavatory, urinate or defecate in a public place.

It is ordered that the following specified things are done by persons carrying on specified activities in this restricted area

1. Any person in charge of a dog in a public place must keep the dog on a lead or otherwise under physical control at all times. The provisions of this Order relating to the control of dogs do not apply to any person who is registered blind in accordance with section 29 of the National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained by a charity to assist with them.

Definition

“A public place” means any place to which the public or any section has access on payment or otherwise, as of right or by virtue of express or implied permission.

“Psychoactive substance” is any substances as so defined in the Psychoactive Substances Act 2016.



It is a criminal offence for a person, without reasonable excuse:-

- (a) to do anything, save for consuming alcohol in breach of a public spaces protection order, that the person is prohibited from doing by a public spaces protection order, or**
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.**

A person guilty of the above offence is liable on conviction to a fine not exceeding £1000.

Offence of consumption of alcohol in breach of prohibition in order

A constable or authorised person may require a person not to consume, in breach of a public spaces protection order alcohol or anything which the constable or authorised person reasonably believes to be alcohol.

A constable or authorised person may require a person to surrender anything in their possession which is or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A person who fails without reasonable excuse to comply with a requirement made by a constable or an authorised person commits an offence and is liable on summary conviction to a fine not exceeding £500.

Walsall Metropolitan Borough Council is satisfied on reasonable grounds that the following activities carried on in the above restricted area have had a detrimental effect on the quality of life of those in the locality:-

1. Persons causing distress to others by remaining in shops, betting offices and food outlets causing harassment, alarm or distress. There are numerous reports of often intoxicated individuals behaving anti-socially in a number of retail and other premises within the prohibited area and refusing to leave. Premises which they refuse to leave include Poundland in Digbeth, B and M Bargains, Boots in Park Street, and Coop.
2. Persons Causing harassment, alarm and distress at Walsall Market Place. Significant problems have been experienced by market stallholders both during market opening hours and when they are setting up and dismantling their stalls. These include persons under the influence and who are drunk and asleep, lying on the stalls being present when market traders arrive to set up. These persons then confront the stallholders and cause them discomfort. Urine and pools of vomit have also been reported as has discarded drug paraphernalia including used which may result in injury. Traders have witnessed people under the influence of alcohol urinate on market furniture. Groups of individuals who gather and consume alcohol around the Market and a vacant stall intimidating those in the vicinity and fighting amongst themselves. Offensive weapons being seen used by individuals have also been reported. Market stallholders report feeling scared and vulnerable.
3. The injection of drugs in view of the public. Numerous reports have been received of individuals openly injecting themselves at various locations within the prohibited area. These include issues referred to

above in the Market Place where individuals have been witnessed pulling down trousers to inject themselves in their buttocks.

4. The leaving of hypodermic needles and drug paraphernalia in such a way as to be a danger to others. Further to the evidence referred to above, reports have been received of discarded needles at a number of locations within the prohibited area. These include the Market Place, the customer entrance of Boots and customer toilets within Coop Coffee Shop and The Light Cinema.
5. Begging in an aggressive manner. Numerous reports have been made about individuals begging in an aggressive and intimidating manner at a number of locations within the prohibited area. Reports suggest elderly members of the public and lone females with young children are targeted. The activity reported is over and above acts of simply begging or asking for money in a way that does not cause those present to feel intimidated. Customers of B and M Bargains, Boots, CO-OP and The Light Cinema as well as the manager of the Crown Wharf Retail Park have complained to staff regarding the above behaviour.
6. Persons fighting and causing nuisance to others in the bus station, bus shelters, at the cenotaph and in shop doorways. Incidents reported include numerous problems at the bus stations at both St Pauls and Bradford Street. These are often related to individuals who are intoxicated and/or are refusing to leave. There are also significant problems reported at the Cenotaph in Bradford Street which include reports of large groups of people congregating at the Cenotaph drinking, shouting swearing and littering and people who sit in the bus shelter or on the Cenotaph benches drinking, leaving cans all over the floor and resulting in the area smelling of urine. Reports have also been made of individuals refusing to leave the doorways of various premises including Peacocks at Crown Wharf, and The Light Cinema, the .
7. Drunkenness. Incidents already referred to above highlight significant issues relating to the consumption of alcohol and there are numerous further reports evidencing that this is a significant issue at numerous locations throughout the prohibited area. Alcohol being a significant underlying factor in the behaviour which relates to many of the prohibitions contained within the order.
8. Dogs not under control have been a feature within reports relating to problems in Walsall Town Centre. These are often connected to reports relating to street drinkers and beggars who can themselves be intimidating and include evidence of residents and visitors in the town feeling intimidated by dogs that are not under any form of direct control and are often allowed to roam free.
9. Numerous reports have been received in relation to individuals urinating in public. These also include evidence of defecation. The problems occur at various locations within the prohibited area including in and around the market, St Pauls Bus Station and Bradford Place. Reports include a well known male regularly urinating and defecating within the car park for The Crown Wharf, the recess between Primark and Play Zone, Digbeth regularly used as a place to urinate and individuals under the influence of alcohol

and drugs urinating and defecating in plain view on The Fountain. This is clearly a significant problem within the prohibited area.

AND

the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by this notice.

The above prohibitions or requirements are reasonable to impose in order to prevent the detrimental effect from continuing, occurring or recurring having had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention, makes the following order:

This order comes into effect on the 28th day of September 2020 shall have effect for 3 years and shall remain in force until 27 September 2023 at 23.59 unless extended.

THE COMMON SEAL of

WALSALL METROPOLITAN BOROUGH COUNCIL

was hereunto affixed on the 22nd.day of .September 2020

in the presence of

Authorised Signatory



Challenging the Validity of Orders.

2262

An interested person may apply to the High Court to question the validity of this order or any variation of this order. "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

The grounds on which an application may be made are -

- (a) that Walsall Metropolitan Borough Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that a legal requirement was not complied with in relation to the order or variation.

An application must be made within the period of 6 weeks beginning with the date on which the order or variation is made.