

PUBLIC SPACES PROTECTION ORDER

(Section 59 Anti-Social Behaviour, Crime and Policing Act 2014)

=====
**ANTI-SOCIAL BEHAVIOUR IN PIPERS ROW,
THE CITY CENTRE**
=====

Made: 12th June 2024
Entering into force: 12th June 2024

WARD(S) AFFECTED: ST PETER'S

WARNING: Failure to comply with the conditions of a Public Spaces Protection Order is punishable by a level 3 fine on summary conviction (i.e. £1,000) (section 66 Anti-Social Behaviour, Crime and Policing Act 2014), or alternatively by a fixed penalty notice (in an amount up to £100) (section 67 Anti-Social Behaviour, Crime and Policing Act 2014.)

THIS ORDER **PROHIBITS** the following things being done in any public space in the in the areas within and surrounding Wolverhampton City Centre, in particular the Bus Station and Pipers Row area, as shown outlined on the map attached to this Order (“the Restricted Area”)

THIS ORDER **REQUIRES** specified things to be done by persons carrying on specified activities in the Restricted Area.

IT IS ORDERED THAT:

1. Groups of Three or More Persons

(1) An Authorised Person may require a group of three or more persons, or any individual who is in a gathering of three or more persons, in the Restricted Area to leave the Restricted Area where he or she reasonably suspects that anyone within that group is causing, or is likely to cause, nuisance or disorder, or harassment, alarm and distress to any other person.

(2) An individual, or group required by an Authorised Person to leave one of the Restricted Area is:

- (a) Prohibited from remaining within the Restricted Area which he or she is required to leave;
- (b) Required to leave that area immediately; and

- (c) Prohibited from returning to the Restricted Area from which he or she has been required to leave within 24 hours of being required to leave.

A person does not breach clause (c) if he or she attends a railway station, bus stop or tram stop within the Restricted Area so long as he or she is not accompanied by another person who has been required to leave the Restricted Area, (Dependant Persons or members of the same household excepted).

2. Face Coverings

- (1) No person shall, without reasonable excuse, wear face coverings which conceals or partially conceals his or her identity in the Restricted Areas. For the avoidance of doubt, 'reasonable excuse' includes, but is not limited to, religious reasons and legal requirements relating to personal protective equipment (PPE).

3. Interpretation

"Authorised Person" – means a police constable, police community support officer, council officers and contractors authorised by the local authority for enforcement of this order. An Authorised Person must be able to present his or her authority upon request.

"Dependant Person" – means a child (a person under 18) in company with his or her adult parent or guardian, or a person who is in company with another on whom he or she relies for aid or assistance to carry out normal day-to-day activities.

"Restricted Area" – means the Pipers Row, Bus Station and City Centre areas of the Wolverhampton City Council local government area as delineated on **Plan A** attached to this order of the Wolverhampton City Council local government area.

THIS ORDER WILL BE IN FORCE FOR A PERIOD OF THREE (3) YEARS AND WILL EXPIRE ON THE 12th DAY OF June 2027 AT 23.59 HOURS.

For further information about the operation of this Order, please visit the dedicated pages of the Council's Website:

<https://www.wolverhampton.gov.uk/city-centre-public-space-protection-order>

Dated: 12th June 2024

THE COMMON SEAL of Wolverhampton City Council was hereunto affixed on this ~~26th~~ ^{30th} day of July 2024 in the presence of:



PCWS0315/2024

PUBLIC SPACES PROTECTION ORDER

**(Section 59 Anti-Social Behaviour, Crime and Policing Act
2014)**

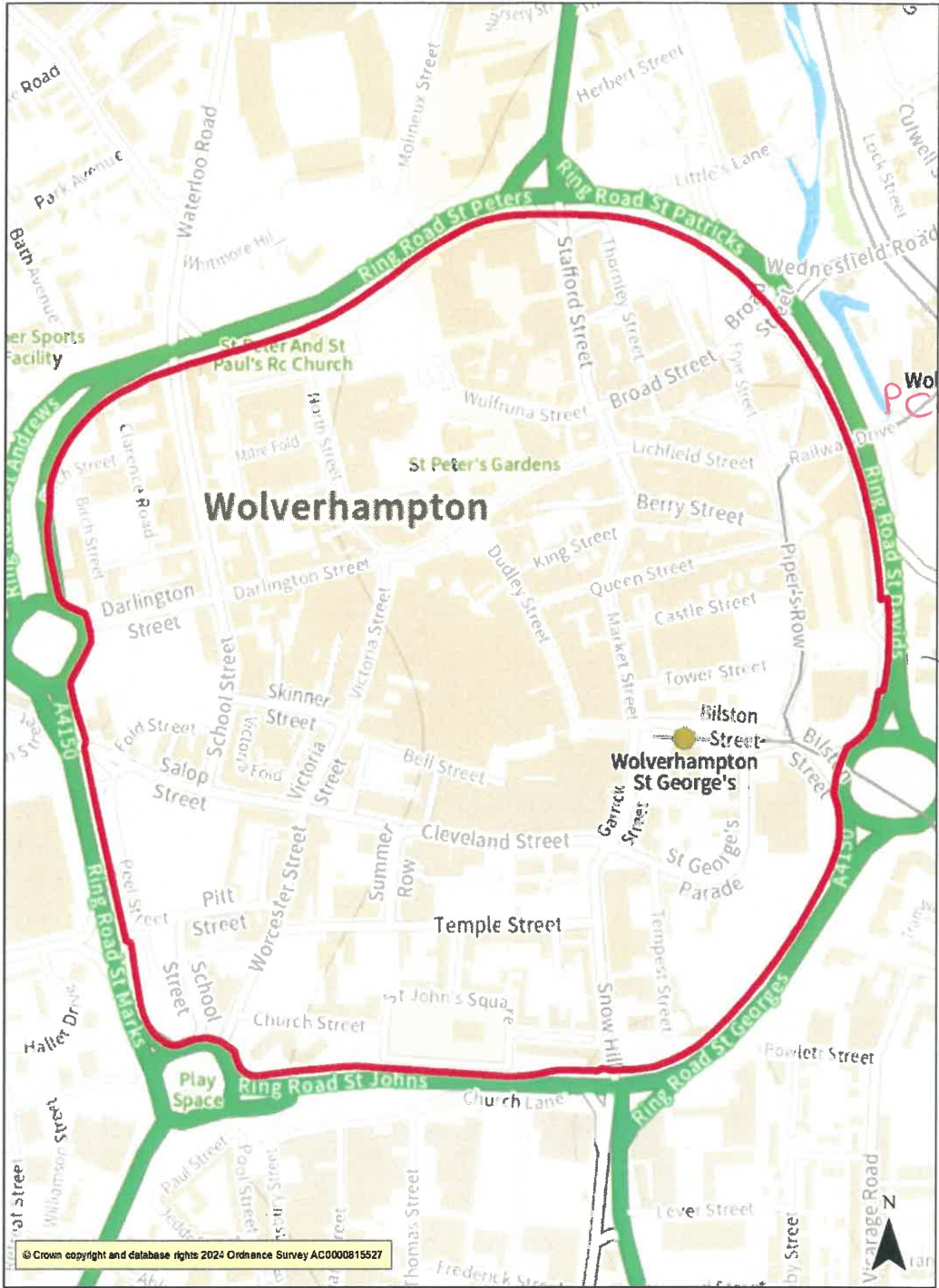
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PLAN A

**(MAP OF RESTRICTED AREA: PIPERS ROW, THE BUS STATION &
THE CITY CENTRE, WOLVERHAMPTON)**



PCWS0315/2024

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ABOUT THIS ORDER

THIS ORDER has been made following consultation with West Midlands Police and other interested parties.

THIS ORDER is made by Wolverhampton City Council (the Council) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, because the Council is satisfied, on reasonable grounds, that there are a number of activities carried out, or likely to be carried out, in public spaces within the Wolverhampton City Council local government area namely the area within and surrounding Wolverhampton City Centre, in particular the Bus Station and Pipers Row area, shown outlined on the map attached to this Order (the Restricted Area), that have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. The effect or likely effect of these activities is of a persistent or continuing nature such as to make these activities unreasonable, and justifies the restrictions imposed in this order.

These activities include, but are not limited to:

- Groups causing Anti-Social behaviour to others;
- Groups causing harassment, alarm and distress or general nuisance to others;
- Damage or destruction of property (including, but not limited to, graffiti);
- Threats or use of violence against others; and
- Various forms of criminal behaviour

Penalty on breach (section 67 Anti-Social Behaviour, Crime and Policing Act 2014)

It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a Public Spaces Protection Order (PSPO); or
- Fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Fixed Penalty Notice (section 68 Anti-Social Behaviour, Crime and Policing Act 2014)

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, or other authorised person. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence.

However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence or failing to comply with the PSPO).

Enforcement of this Order Against Young Persons aged 10 – 17 years

It is not the policy of the Council to commence court action against, or issue fixed penalty notices to persons aged between 10 and 17 years who breach the prohibitions and/or requirements of this Order.

In the alternative, where a young person aged between 10 and 17 years has breached any prohibition and/or requirement of this Order, they will be subject to the Council's **Young Persons' Public Spaces Protection Order (PSPO) Enforcement Policy** has been developed in collaboration with West Midlands Police, the Council's Youth Offending Team, the Wolverhampton Safety Community Partnership and Wolverhampton Anti-Social Behaviour Team.

The Council's **Young Persons' Public Spaces Protection Order (PSPO) Enforcement Policy** enters into force on the day this Order enters into force. A copy of this policy is available separately on the dedicated pages of the Council's Website:

<https://www.wolverhampton.gov.uk/city-centre-public-space-protection-order>

Right to appeal this Order (Section 66 Anti-Social Behaviour, Crime and Policing Act 2014)

An interested person has the right of appeal against this Order to the High Court, Birmingham District Registry within a period of six (6) weeks beginning with the date of service of the order (date of publication of this order on the Council's Website). 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 power to challenge.

This right to challenge also exists where an order is varied by a council and again there is a six-week time limit beginning with the date of service of the order in which an interested person can bring a challenge. Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the Council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court can uphold the PSPO, quash it, or vary it.

Copies of this order and Communication with the Council

Copies of this Order and the Young Persons' Public Spaces Protection Order (PSPO) Enforcement Policy are available at:

<https://www.wolverhampton.gov.uk/city-centre-public-space-protection-order>

Hard copies of the Order and the Young Persons' Public Spaces Protection Order (PSPO) Enforcement Policy (for reference only) are available for viewing

at the Business Reception of Wolverhampton City Council's Offices during office hours at:

Wolverhampton City Council,
Civic Centre,
St Peter's Square,
Wolverhampton,
WV1 1RG.

Any communication about this Order, including requests for copies of the order and/or the Young Persons' Public Spaces Protection Order (PSPO) Enforcement Policy should be made to the following address:

FAO: ASB City Centre & Bilston Centre PSPO
Legal Services
Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1RG

Please quote reference: LIT/AS/LGA022193

DX: 744350 Wolverhampton 27

E-mail litigation@wolverhampton.gov.uk

Telephone: 01902 556556

Any formal applications should be served to the above address in-person, by post or, in the alternative, by document exchange to the above DX address. Wolverhampton City Council does not accept the service of documents by fax or e-mail.