

Anti-Social Behaviour Crime and Policing Act 2014 Section 59

Public Spaces Protection Order 2024 - Town Centre East car park, Grosvenor Terrace

Cheltenham Borough Council ("the Authority") HAS MADE the following Public Spaces Protection Order ("Order") under section 59 and 63 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("2014 Act").

The land outlined in red in Schedule 1 being land in the area of the Council ("the Designated Area") is land to which the 2014 Act applies and is protected by this Order.

This Order may be cited as the 'Public Spaces Protection Order 2024 - Town Centre East Car Park, Grosvenor Terrace' and came into force on the **December 2024** for the duration of 3 years.

The following prohibitions are imposed on the use of the Designated Area

GENERAL PROVISIONS

1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, or a fixed penalty notice of a maximum of £80.
2. "Authorised Person" means a person authorised for the purposes of section 63 of the Anti-Social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.
3. "Designated area" means all levels of the multi-storey car park known as 'Town Centre East car park, Grosvenor Terrace, Cheltenham, Gloucestershire, GL52 2SA' including land within the curtilage as outlined in red in Schedule 1

PROHIBITION OF BICYCLES, SCOOTERS, SKATEBOARDS, HOVERBOARDS AND ROLLER BLADES

4. No person shall refuse to stop riding or operating the use of a bicycle, scooter (including motorised), skateboard, hoverboard or roller blades (skates) and other similar items, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

Where a constable or authorised person reasonably believes that:

A person is also failing to comply with other requirements contained within this order, including namely, the use the Designated Area for the purposes of parking a motor vehicle, motorbike or moped and or other requirements outlined below.

The constable or authorised person may require that person:

- a) to cease riding or operating a bicycle, scooter (including motorised), skateboard, hoverboard or roller blade (skates) and

b) to immediately leave the Designated Area

PROHIBITION ON SMOKING TOBACCO AND USING OTHER RELATED PRODUCTS

5. No person shall refuse to stop smoking tobacco, tobacco related products, smokeless tobacco products (including electronic cigarettes), herbal cigarettes or using any illegal substances; nor shall any person ingest or consume any substances that fall within the definition of a psychoactive substance (as defined by section 2 of the Psychoactive Substances Act 2016) within the Designated area.

Where a constable or authorised person reasonably believes that a person is failing to comply with the above prohibition without reasonable cause in the Designated Area, the constable or authorised person may require that person:

- a. to cease smoking, ingesting or consuming any of the above listed products and substances and
- b. to immediately vacate the Designated Area

PROHIBITION ON IMPROPER USE OR OTHER THAN FOR THE PURPOSE OF PARKING

6. No person shall occupy, loiter in, congregate with other people or use the Designated Area for any other purpose other than to park a motor vehicle, motorbike or moped.

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been occupying, loitering, congregating with other people or using the Designated Area for any other purpose than parking, or
- b) intends to breach the above condition within the order,

the constable or authorised person may require that person to vacate the Designated Area immediately.

This Order applies to all land within the Designated Area of Town Centre East car park, Grosvenor Terrace, Cheltenham, Gloucestershire including stairwells, lifts and corridors.

In issuing the order the Council is satisfied that:

- 7.(a) Anti-social behaviour activity (identified below) carried out in the Designated Area within the authority's area has had a detrimental effect on the quality of life of those in the locality; or
- (b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect

8. The effect, or likely effect, of the named activities:

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

9. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
10. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Activity

11. Anti-social behaviour emanating from the use of bicycles, scooters (including motorised), skateboards, hoverboards or roller blades (skates) and other similar items, anti-social behaviour by the smoking or use of substances mentioned in Clause 5 above and antisocial behaviour caused by loitering or congregating in person or in groups in the Designated Area

THE COMMON SEAL of
THE COUNCIL OF THE BOROUGH
OF CHELTENHAM affixed
hereto is Authenticated by the
undersigned person authorised
by the Council to Act for that
person

.....

Authorised Signatory

SCHEDULE 1- PLAN OF DESIGNATED AREA

DRAFT



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