

Proposed PSPO for West Bromwich Town Centre

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

SANDWELL METROPOLITAN BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER

WEST BROMWICH TOWN CENTRE

1. Introduction

This Order is made by **Sandwell Metropolitan Borough Council** ("the Council") under Section 59 of the **Anti-Social Behaviour, Crime and Policing Act 2014** ("the Act"). The Order applies to the area known as **West Bromwich Town Centre**, as defined by the attached map, including both **public spaces** within the Council's jurisdiction and **privately-owned land** made available to the public ("the Restricted Area").

2. Grounds for the Order

The Council is satisfied that the conditions for making this Order, as set out in Section 59 of the Act, have been met:

- a. **Activities** carried out in the restricted area have had or are likely to have a detrimental effect on the quality of life of those in the locality.
- b. The effect of these activities is, or is likely to be, of a **persistent or continuing nature**, and is or is likely to be **unreasonable**, thereby justifying the restrictions imposed by this Order.

3. Prohibited Behaviour

In the Restricted Area, the following activities are prohibited at all times, unless otherwise specified:

1. **Harassment, Alarm, or Distress**
Acting in a manner, or inciting others to act in a manner, that causes or is likely to cause harassment, alarm, or distress to any person.
2. **Threatening Behaviour or Verbal Abuse**
Using or threatening to use violence or being verbally abusive towards any person.
3. **Begging or Loitering for Money**
Begging or asking members of the public for money, or loitering with the intent of begging or asking members of the public for money.
4. **Obstruction of Roads and Footpaths**
Causing a motor vehicle, trailer, or any other obstruction to stand on a road or

footpath so as to cause unnecessary obstruction to pedestrians, cyclists, or motorists within the Restricted Area.

4. Duration of the Order

This Order comes into force on **[insert date]** and will remain in effect for a period of **three years**. The Order may be extended by up to three years before its expiry, subject to a review by the Council and in accordance with Section 60 of the **Anti-Social Behaviour, Crime and Policing Act 2014**.

5. Failure to Comply with this Order

Under Section 67 of the **Anti-Social Behaviour, Crime and Policing Act 2014**, it is an offence for any person, without reasonable excuse:

- a. To do anything 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 found guilty of an offence under this Order is liable, on conviction in the **Magistrates' Court**, to a fine not exceeding **level 3 on the standard scale**.

6. Penalty Notices

Under Section 68 of the Act, a **constable** or **authorised person** may issue a **Fixed Penalty Notice (FPN)** to anyone they believe has committed an offence under this PSPO. Payment of the FPN will discharge the individual's liability for prosecution.

Failure to pay the FPN may result in **legal proceedings** for the offence under Section 67.

7. Validity and Challenge of the Order

Under Section 66 of the Act, an "**interested person**" (anyone who lives, works, or regularly visits the Restricted Area) may apply to the **High Court** to challenge the validity of this Order within six weeks of it being made. Grounds for such an application include:

- a. The Council did not have the authority to make the Order; or
- b. The Council has not complied with legislative requirements.

Upon review, the High Court may decide to uphold, quash, or vary the Order.

8. Review and Amendment of the Order

This Order may be **reviewed** and **varied** in accordance with the provisions of **Section 61** of the Anti-Social Behaviour, Crime and Policing Act 2014. The Council may vary the Order to

add, amend, or remove prohibitions or requirements as deemed necessary to address emerging issues in the Restricted Area.

DATED: [Insert Date]

SIGNED: [Authorised Officer's Name]

SEALED by **Sandwell Metropolitan Borough Council**

Appendix 1: Map of West Bromwich Town Centre (Restricted Area)