

SUNDERLAND CITY COUNCIL
PUBLIC SPACES PROTECTION ORDER
NUMBER 1 OF 2021 (SUNDERLAND CITY COUNCIL AREA)

Sunderland City Council ("the Council"), in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers, being satisfied that the conditions set out in section 59 of the Act have been met and 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 for the Protection of Human Rights and Fundamental Freedoms, hereby makes the following Order:-

1. This Order shall be cited as The Sunderland City Council Public Spaces Protection Order Number 1 of 2021 (Sunderland City Council Area) and shall come into force on 1st day of MAY 2021 for a period of three years.
2. This Order applies to "the Restricted Area" which consists of all public places within the land in the area of the Council shown edged by a thick black line on the Map annexed to the Order, excluding the area shown hatched black. The term "public place" for the purposes of this Order means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
3. The Council is satisfied that the following activities carried on, or likely to be carried on, in the Restricted Area have had, or will have, a detrimental effect on the quality of life of those in the locality, namely:-
 - a. Consumption of alcohol in a public place, causing or likely to cause anti-social behaviour.
 - b. The use of psychoactive substances in a public place.
 - c. Anti-social/nuisance behaviour linked to street trading and peddling.
 - d. Restrictions on unauthorised street events on adopted highways.
 - e. Begging
 - f. Anti-social use of skateboards, bicycles and stunt bicycles causing damage to property and/or nuisance or annoyance to other persons
 - g. Anti-social riding of a motorcycle, moped or quad bike in an open public place including bridle ways and footpaths
 - h. Feeding birds
 - i. Waste on land.
 - j. Bin raking
 - k. Removal of shopping trolleys
 - l. Urinating and defecating in Public places
 - m. Spitting and discarding chewing gum
 - n. Dog fouling, dogs not kept under control and the presence of dogs in prohibited areas.
4. The effect of this Order is to impose the following prohibitions and requirements in relation to the Restricted Area:

- a.
 - i. No person shall consume alcohol from an open container in an open public area (save that this provision does not apply to any premises of the type described in section 62 of the Act (licensed premises etc.)).
 - ii. It is an offence to continue to drink alcohol in PSPO zone when asked not to do so by a police officer, PCSO or any other authorised person.
 - iii. It is also an offence to fail to surrender any alcohol, in an open container, to a police officer, PCSO or any other authorised person when asked to do so.
- b. No person shall ingest, inhale, inject, smoke or otherwise consume any psychoactive substance, namely any substance which is capable of producing a psychoactive effect in a person by stimulating or depressing the person's central nervous system and affecting the person's mental functioning or emotional state.
- c. No person shall engage in aggressive or assertive behaviour, or any other behaviour which may be regarded as anti-social or nuisance in nature, in the course of street trading (as defined in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982) or acting as a pedlar (as defined by section 3 of the Pedlars Act 1871) (in either case whether with or without any necessary licence, consent or certificate that may separately be required).
- d. No unauthorised event may be held on adopted highways by any non-charitable, non-educational or profit-making organisation without any necessary licence, consent or certificate that may separately be required.
- e. No person shall engage in aggressive or assertive behaviour, or any other behaviour which may be regarded as anti-social or nuisance in nature, in the course of begging. Begging (which separately constitutes an offence under the Vagrancy Act 1824) includes any verbal, written or non-verbal requests (including the placing of hats, containers or other items) for money, donations, goods or other material help or assistance.
- f. No person shall ride upon a skateboard, bicycle or stunt bicycle in a manner which could cause damage to property or nuisance or annoyance to one or more persons.
- g. No person shall engage in riding a motorcycle, moped or quad bike in an open public place including bridle ways and footpaths save where the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them doing so.
- h. No person at any time shall provide or deposit food for the sole purpose of consumption by Birds, specifically Seagulls and Pigeons, in any open public area save where the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them doing so; or on any land within the Restricted Area which is an open park, pleasure ground or other open space maintained by the Council; beach/foreshore or any slope or staircase leading thereto, school grounds, a car park owned and operated by the

Council; a carriageway or adjoining footpath or verge; or any other footpath, bridleway, alley, precinct, promenade, thoroughfare or other way.

i. In relation to waste on land:

- i** This paragraph applies to all persons ("the relevant person") in a position to control residential premises located within the Restricted Area ("the relevant premises"). For the purposes of this Order, relevant person means any person residing in, whether permanently or temporarily, by legal right or simple occupation, any premises situated in the specified area and also any owner or managing agent of any premises let on a periodic tenancy and situated within the Restricted Area.
- ii.** Each relevant person is required to ensure that all household waste presented or to be presented for collection from relevant premises shall be contained in receptacles of such kind and number as may be specified in any notice served by the Council under section 46 of the Environmental Protection Act 1990 in relation to the relevant premises and in accordance with any further requirements of such notice.
- iii.** Each relevant person shall have an equal and separate responsibility in relation to the requirement at paragraph 4.e.ii above, whether physically present at the relevant premises at the relevant time or not.
- iv.** No person shall be in breach of the requirements in paragraph 4.e.ii if that person demonstrates that he or she has taken all such steps as were reasonably available to that person to secure compliance, provided that proof of the same shall lie with that person.
- j.** No person shall engage in 'bin raking', namely the searching of, and/or taking of any items whatsoever from, rubbish bins or rubbish bags or the taking of any other items clearly left to be disposed of.
- k.** No person shall remove any shopping trolley from the designated area which will clearly be delineated with signage.
- l.** No person shall without reasonable excuse urinate or defecate in any open public area other than a public toilet.
- m.** No person shall without reasonable excuse spit (including discharging of chewing gum) in an open public space.

n. In relation to the control of dogs:

- i** If a dog defaecates at any time on land within the Restricted Area which is a park, pleasure ground or open space maintained by the Council; a sports ground/pitch or playing field maintained by the Council, beach/foreshore or any slope or staircase leading thereto, school grounds, a cemetery, burial ground or churchyard maintained

by the Council, a car park owned and operated by the Council; a carriageway or adjoining footpath or verge; or any other footpath, bridleway, alley, precinct, promenade, thoroughfare or other way (not being a carriageway) any person who is in charge of the dog at that time shall remove the faeces from the land forthwith.

- ii Any person who is in charge of a dog on land within the Restricted Area signed at its entrance(s) or otherwise marked as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect) which is an open (unfenced) designated children's play area, a cemetery burial ground or churchyard, an enclosed park, sensory or formal garden or an open or enclosed playing field or sports facility (including football pitches, cricket pitches, skate parks and bowling greens) shall keep the dog on a lead.
- iii Any person who is in charge of a dog on any land within the Restricted Area which is an open park, pleasure ground or other open space maintained by the Council; an open playing field maintained by the Council not otherwise marked as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect), beach/foreshore or any slope or staircase leading thereto not otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect), school grounds, a car park owned and operated by the Council; a carriageway or adjoining footpath or verge; or any other footpath, bridleway, alley, precinct, promenade, thoroughfare or other way (not being a carriageway) shall comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead, Provided always that an authorised officer of the Council may only give a direction under this sub-paragraph 4.n.(iii) to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying disturbance of any animal or bird.
- iv Any person who is in charge of a dog shall not take the dog into, or permit the dog to enter or remain on, any land within the Restricted Area signed at its entrance(s) or otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is an enclosed designated children's play area or an enclosed multi-sports area (MUGA), sporting or other recreational facility maintained by the Council or an identified area of the beach/foreshore and any slope or staircase leading thereto.
- v Any person who is in charge of a dog shall be able to produce a dog bag or other appropriate receptacle on request of an Officer. *(see Reasonable excuse provision below vi.2)*
- vi For the purposes of this paragraph 4.n:

1. A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
2. No person shall be in breach of the requirements in paragraphs 4.n.(i)-(v) if they have a reasonable excuse for failing to comply or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.
3. The prohibition in paragraph 4.n.iv (dog exclusion areas) shall apply to identified beaches/foreshores and any slope or staircase leading thereto only between 1st May and 30th September inclusive in any year.
4. Nothing in paragraphs 4.n.(i) (removal of faeces) or 4.n.(iv) (dog exclusion areas) applies to a person who-
 - a. is registered as a blind person; or
 - b. has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance; and a "prescribed charity" shall mean Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680).
5. Nothing in paragraph 4.n.(iv) (dog exclusion areas) applies to a person who is deaf in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance.
6. In paragraph 4.n.(i) (removal of faeces) —
 - a. placing the faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
 - b. being unaware of the defaecation (whether by reason of not being in the vicinity or otherwise) or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

5. By virtue of section 63 of the Act, where a constable or an authorised person reasonably believes that a person (P) is or has been consuming alcohol in breach of the prohibition in paragraph 4.a above, or intends to consume alcohol in circumstances in which doing so would be such a breach, they may require P not to consume, in breach of this Order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol and to surrender anything in their possession which the constable or authorised person reasonably believes to be alcohol or a container for alcohol. Where such a requirement is imposed, the constable or authorised person must tell P that failing without reasonable excuse to comply with the requirement is an offence and a requirement imposed by an authorised person will not be valid if the person fails to show evidence of their authorisation

upon request by P. A constable or authorised person may dispose of anything surrendered by way of a requirement in whatever way they think appropriate.

6. For the purposes of paragraph 5 above, an "authorised person" means a person authorised for the purposes of section 63 of the Act by the Council.
7. A person who fails, without reasonable excuse, to comply with a requirement imposed on them under section 63(2) of the Act (as set out in paragraph 5 above), commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500).
8. A person who, without reasonable excuse, does anything that they are prohibited from doing by paragraphs 4.b.- n. of this Order or fails to comply with a requirement to which they are subject under paragraph 4.i or 4.n commits an offence under section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000). (Provided always that 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 Order).

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THE CITY OF SUNDERLAND**

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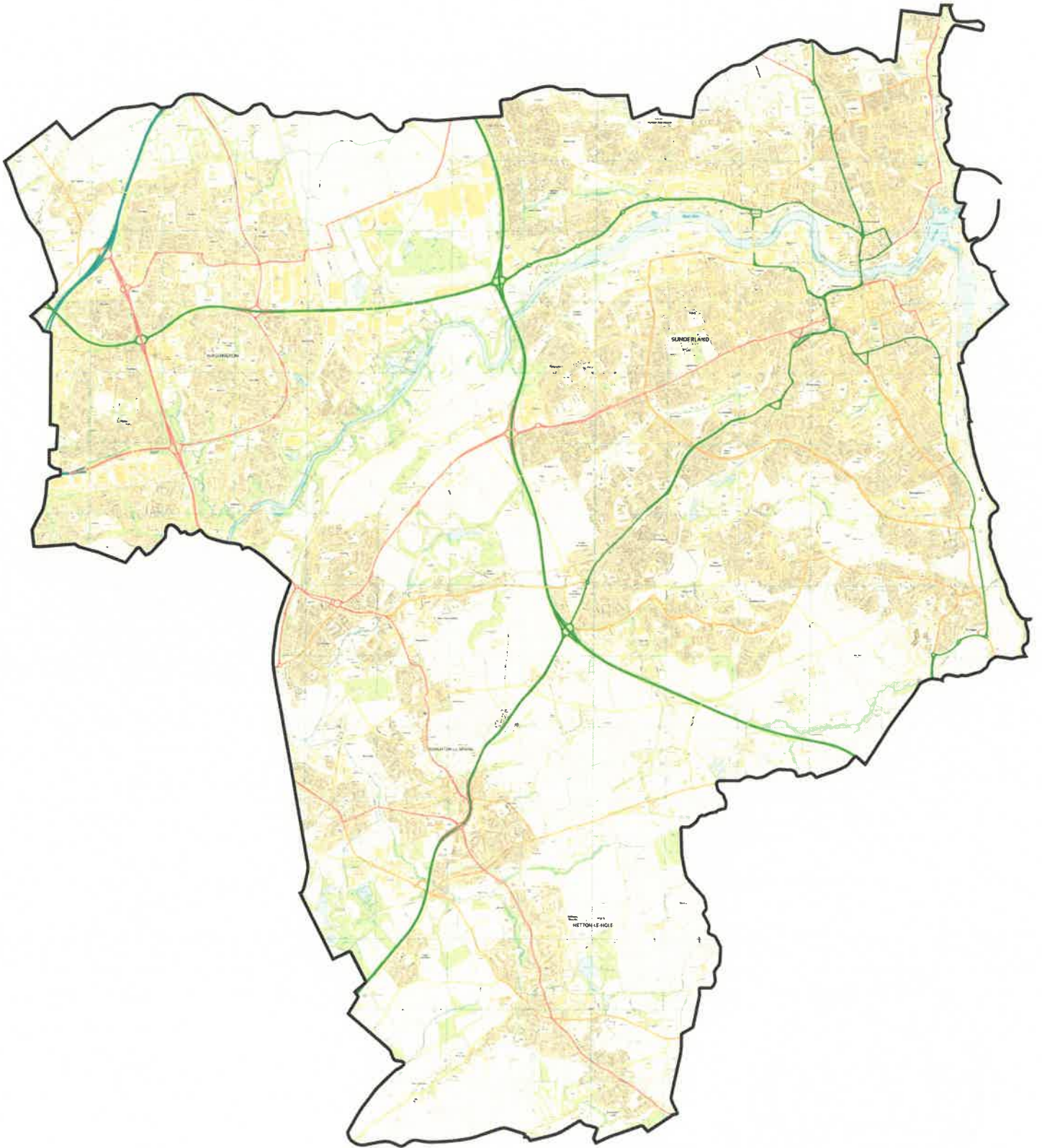
**hereunto affixed in the presence
of:-**

Seal NO. 63973A



Authorised signatory

**AREA COVERED BY SUNDERLAND PSPO DATED 1ST MAY 2021 WITHIN
THE BLACK BOUNDARY.**



[Handwritten signature]
Deal no. 63973A