

Gateshead Metropolitan Borough Council
Public Spaces Protection Order (Borough Wide)
Number 2 of 2020

Gateshead Metropolitan Borough Council (“the Council”) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (‘the Act’) , being satisfied that the conditions set out in section 59 of the Act have been met and that section 72 of the Act has been complied with make the following order:

1. The land described by the map attached and shown edged red being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order

SAVE any place which is at the relevant time permitted to be used for outdoor tables and chairs by virtue of a ‘Pavement Licence’ granted by Gateshead Council from time to time.

2. The order may be cited as the Gateshead Metropolitan Borough Council Public Spaces Protection Order (Borough Wide) and shall come into force on 7 July 2020 for the duration of three years.
3. The Council is satisfied that:
 - a) the activities set out in paragraph 3 c) carried on in public places have caused a detrimental effect to the quality of life of those living in the locality, and
 - b) the effect, or likely effect, of the activities—
 - (i) is, or is likely to be, of a persistent or continuing nature,
 - (ii) is, or is likely to be, such as to make the activities unreasonable, and
 - (iii) justifies the restrictions imposed by the notice
 - c) The activities are –
 - (i) Persons being intoxicated and drinking alcohol in public places
 - (ii) Dog fouling
 - (iii) Persons in charge of a dog depositing dog faeces in places other than bins
 - (iv) Dogs out of control in public places
4. a) The effect of this order is to impose the following conditions on the use of the land:
 - i. No person shall drink alcohol in a public place.

- ii. No person shall be in charge of a dog in a public place without having a dog waste bag for collecting and disposing of dog faeces and upon the request of a Police Constable, Police Community Support Officer or an authorised Council Officer shall produce to that officer forthwith a dog waste bag.
 - iii. Dog faeces must be disposed of by placing them in a receptacle which is provided for that purpose or for the disposal of waste.
 - iv. Any person in charge of a dog which defaecates in a public place shall remove the dog faeces from the land forthwith. Being unaware of the defaecation or failing to have a suitable means of removing the faeces is not a reasonable excuse for failing to do so.
 - v. Any person in charge of a dog which is out of control in a public place shall put their dog on a lead when requested to do so by a council officer or a police officer
 - vi. Any person in charge of a dog in a cemetery or school grounds shall keep the dog on a lead at all times.
- b) Under Section 63 of the Act, a constable or authorised person that reasonably believes that a person has been consuming alcohol in breach of paragraph 4a)(i) above or intends to consume alcohol in circumstances which would breach paragraph 4a(i), may require that person;
- not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - to surrender anything in the person's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol
- c) A constable or authorised person who imposes a requirement on a person under paragraph 4 b) must tell that person that failing without reasonable excuse to comply with the requirement is an offence. An authorised person must produce evidence of their authorisation upon request.
- d) A person who fails without reasonable excuse to comply with a requirement imposed under paragraph 4) b) on him commits an offence and is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale.
- e) Under section 67 of the Act it is an offence to breach without reasonable excuse paragraphs 4 a) (ii) – (vi) above. The penalty on summary conviction is a fine not exceeding level 3 on the standard scale (£1000).
- f) A constable or an authorised person may issue a fixed penalty notice for a maximum £100 to anyone they believe has committed an offence under section 63 or 67 of the Act.

5. The following exemptions apply to this order –

a) The prohibition at 4 a) i) on drinking alcohol in a public place does not apply to the premises set out in Section 62 of the Anti Social Behaviour, Crime and Policing Act 2014, including Licenced Premises

b) Nothing in paragraphs 4 a) (ii), (iii) and (iv) shall apply to –

(a) A person who is registered as blind

(b) A person who has a disability which affects that persons 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 upon which that person relies for assistance (dogs must be clearly marked as assistance) or

(c) A person who is training an assistance dog in an official capacity, or a dog used by the police or other agencies permitted by the Council for official purposes

6. Under section 66 of the Act, an interested person (as defined in that section) may apply to the High Court 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. Such an application must be made within 6 weeks of the date this order was made.



Signed

Colin Huntington
Strategic Director
Communities and Environment
Gateshead Council

Dated 7 July 2020