

Public Space Protection Order (Eynesbury)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014



Public Space Protection Order (Eynesbury)
Huntingdonshire District Council

July 2024

Huntingdonshire District Council (HDC) in exercise of its powers pursuant to Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes for following Public Space Protection Order (PSPO). The PSPO takes effect on 17/7/24 for a period of 3 years.

The COMMON SEAL of HUNTINGDONSHIRE

DISTRICT COUNCIL was hereunto affixed

In the presence of:

A handwritten signature in black ink, appearing to be "A. J. ...", written over a horizontal line.



Dated this 15 JULY 2024

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Part One: Public Spaces Protection Order (Eynesbury)

1. Executive Summary

In response to anti-social behaviour in the area of the B1043: Berkley Street and The Parish Church of Eynesbury, and other locations in the vicinity, Huntingdonshire District Council (HDC) have put in place a Public Spaces Protection Order (PSPO).

Behaviours that have been concerning people local to the area include public intoxication, public urination/defecation, intimidating behaviour and camping on public land without permission.

PSPOs are a power granted to councils in the Anti-Social Behaviour, Crime and Policing Act 2014 and are designed to stop individuals and groups from committing anti-social behaviour in a public place. A PSPO allows HDC to put in place restrictions and requirements. Breaches of a PSPO condition or requirement are a criminal offence and offenders may face fixed penalty notices (currently set at £100), or prosecution in criminal court.

This proposed PSPO has been put in place as a partnership response to the anti-social behaviour which has negatively impacted local people and is expected to be used enforcement agencies as a tool to respond to anti-social behaviour occurring within the area.

2. HDC Corporate Plan 2023-2028

HDC's Corporate Plan 2023-2028 aims to improve the quality of life for local people by preserving the District of Huntingdonshire as a place which attracts employers and visitors, and that residents are proud to call home. To support the HDC Corporate Plan, HDC's PSPO for Eynesbury will act as a tool alongside other statutory provisions in relation to anti-social behaviour.

3. Anti-social Behaviour

For the purpose of HDC's PSPO for Eynesbury, anti-social behaviour is considered to be behaviour which:

- A. Has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- B. Is, or is likely to be, persistent or continuing in nature; and
- C. Is, or is likely to be, unreasonable

Specifically, the HDC PSPO for Eynesbury aims to tackle anti-social behaviour in relation to:

- A. Open vessels of alcohol
- B. Personal use of narcotic substances
- C. Encampments on public land
- D. Public defecation and urination
- E. Intimidating behaviour

4. The Areas to which the PSPO applies:

This PSPO relates to all land within the specified area which is publicly accessible. For the purpose of this PSPO, 'public land' includes:

- A. All land which is open to the air, and
 - i. Which public have access (with or without payment)
- B. All footpaths and verges
- C. Registered common land
- D. Registered town or village green
- E. Open access land, including
 - i. All bridleways & footpaths which allow public access through otherwise private land
- F. Any land with implied permission which is owned by a Local Authority, or body acting on its behalf.
- G. Specific locations to which this PSPO applies are listed in Schedule 1 of this PSPO document.

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5. Persons who the PSPO applies to:

A person is responsible for their compliance with this PSPO whilst regularly visiting, residing, or working within the areas specified in Schedule 1 of this PSPO document. This PSPO only applies to a person whose behaviour is likely to be:

- A. persistent or continuous in nature,
- B. unreasonable, and
- C. detrimental to the quality of life of those in the locality

6. Authorised Officer

For the purpose of HDC's PSPO for Eynesbury, an Authorised Officer is a person with lawful responsibility for the enforcement of the conditions of this PSPO and refers to any warranted Officer of Huntingdonshire District Council, Cambridgeshire Constabulary, or any other Officer lawfully permitted and authorised by Huntingdonshire District Council. Powers will be exercised at the discretion of an Authorised Officer and only against behaviours that meet the legal test of being anti-social behaviour.

7. Penalty on breach

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

- A. Do anything that the person is prohibited from doing by HDC's PSPO for Eynesbury
- B. Fail to comply with requirement(s) to which the person is subject to under HDC's PSPO for Eynesbury

Breach is a criminal offence. Enforcement Officers can issue a fixed penalty notice of up to £100 if appropriate. Offenders may receive a fine of up to £1000 on prosecution.

Part Two: Conditions of the Public Space Protection Order for Eynesbury

The conditions of this PSPO are set to impose the following prohibitions and requirements on land to which this PSPO applies, specified as follows:

1. No open Vessels:

- A. On all land to which this PSPO applies, a person commits an offence if they have on their person an open vessel of alcoholic/intoxicating substances, unless:
- i. Prior permission has been granted by a Local Authority (Parish, Town, District, or County Council) for the purpose of an arranged public event.

2. No personal use of narcotic substances:

- A. On all land described by this PSPO, a person commits an offence if a Police Constable believes that, on the balance of probabilities, they are consuming illegal narcotic substances for personal recreational use, unless:
- i. Substances being consumed are for medicinal purposes and are prescribed to the person by a medical professional.

3. No encampments on public land:

- A. On all land described by this PSPO, a person commits an offence if they are found to be, or have been in the past 48 hours, using a tent, mobile home, caravan, or any other temporary structure (improvised or otherwise) for the purpose of residing in, unless:
- i. Prior permission has been granted by a Local Authority (Parish, Town, District or County Council) for the purpose of an arranged public event, or
 - ii. Prior permission has been granted in writing by the landowner and is presented to the Local Authority and Police as proof.

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4. No public defecation or urination:

- A. On all land described by this PSPO, a person commits an offence if they defecate or urinate in any public place described by this PSPO, unless:
- i. They do so in a dedicated public toilet facility, or a private toilet facility with the property owner's permission.

5. No intimidating behaviour:

- A. On all land described by this PSPO, a person commits an offence if they act in a way that is considered to be harassing, alarming or distressing to others within the area to which this PSPO applies. Behaviours include, but not limited to:
- i. Aggressive shouting at any person
 - ii. Any offensive language
 - iii. Physical altercation
 - iv. Street harassment (heckling or cat-calling passersby)
 - v. Excessive noise (including music played from a device or instrument)

Part Three: Lawful Threshold of the Public Space Protection Order (Eynesbury)

1. Conditions and Justification Statement:

HDC is satisfied that the conditions set out in Section 59 and 72 of 'the Act' have been met and justifies the restrictions imposed by this PSPO. HDC believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring, or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

2. Appeals against PSPO

Any 'interested person' (a person which this PSPO applies to), who desires to question the validity of this PSPO on the grounds that HDC has no power to make it or that any requirements of the Act have not been complied with in relation to this PSPO, may apply to the High Court within six weeks from the date upon which this PSPO is made.

- A. An 'interested person' will be excluded from challenging the validity of the PSPO (including a decision to vary the PSPO) by way of judicial review (see: s.66(7) of the Act).
- B. Other persons who fall outside the definition of an 'interested person' will have the right to bring a judicial review to challenge the lawfulness of the use of power to make the PSPO.

Part Four: PSPO Schedules

Schedule 1 – The areas subject to the PSPO For Eynesbury:

The conditions of this Public Spaces Protection Order apply to the land within Eynesbury, St Neots which encompasses all public highways, footpaths, bridleways, and public access which are part of Berkley Street (B1043), Buckley Road, Luke Street, Montagu Street, Washbank Road, Pope Road, School Lane, St Mary's Street (B1043), and connecting public footpaths.

1. B1043 – Berkley Street, north-west and south-east between the roundabout connecting to Montagu Street and St Mary's Street, to Buckley Road.
2. Buckley Road, southbound between Berkley Street and Luke Street.
3. Luke street, west and eastbound from the corner of Buckley Road, to where Hardwick Road and Montague Street connect.
4. Montagu Street, north and southbound between Luke Street and the roundabout connecting to St Mary's Street and Berkley Street.
5. Glenariff Close, east and southbound from Montagu Street.
6. Washbank Road, west and eastbound between Montagu Street and the northbound public footpath towards Eynesbury Old Cemetery.
7. Pope Road, north and southbound from Washbank Road.
8. The public footpath connecting Washbank Road and School Lane, through Eynesbury Old Cemetery.
9. School Lane, west and eastbound between Montagu Street and the footpath running northwards alongside the River Great Ouse.
10. The footpath running northwards from School Lane to the east of the River Great Ouse, and veering westwards towards St Mary's Street.
11. St Mary's Street, from the footpath on the northern corner of 36 St Mary's Street, to the roundabout connecting Montagu Street and Berkley Street.
12. The conditions also apply to all public green spaces, recreational land, waterways, riverbanks, structures (permanent or temporary) and churchyards/graveyards within the boundary of the surrounding public roads and footpaths within this order, including:

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13. The public access land (graveyards, etc) of St Mary The Virgin, The Parish Church of Eynesbury.
14. Millie's Swing Memorial Park.
15. Eynesbury Old Cemetery.
16. Greenspace to the west of River Great Ouse between School Lane and St Neots Marina.

