



Braintree District Council

Anti-social Behaviour, Crime and Policing Act 2014

THE BRAINTREE DISTRICT COUNCIL PUBLIC SPACES PROTECTION ORDER

(Braintree Town Centre and Surrounding Area) 2024

The Braintree District Council (“the Council”) makes this Order under Part 4, section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act), having consulted as required by section 72.

The order comes into force on the 11th October 2024 (11.10.24) for a period of 3 years. It applies to the public place, “the Restricted Area” shaded in orange on the plan attached at Schedule 1 to the Order.

Under section 74 (1) of the 2014 Act, “public place” 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.

The Council is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature, is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by this order.

The activities that the Council are satisfied have been carried out are as follows:

1. The consumption of alcohol in a manner that causes or is likely to cause harassment, alarm, distress, nuisance, or annoyance to any person.
2. Aggressive begging – begging in such a manner likely to cause harassment, alarm, or distress.
3. Threatening, disorderly, abusive, aggressive and or unacceptable behaviour.
4. Carrying out sexual acts in public view.
5. Exposing (flashing) intimate body parts in public view.
6. Urinating and/or defecating in the open air and/or within public view.

7. Obstructing access to or egress from premises or land within the restricted area.
8. The use of controlled drugs and psychoactive substances.

The Council therefore under section 59(4) prohibits within the Restricted Area:

1. Consumption of alcohol

The consumption of alcohol in a manner that causes or is likely to cause harassment, alarm, distress, nuisance, or annoyance to any person is prohibited.

If a Constable or an Authorised Officer reasonably believes that a person is or has been consuming alcohol in a manner that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance, or annoyance to any person within the restricted area, they may require that person:

- a. Not to consume alcohol or anything which the Constable or Authorised Officer reasonably believes to be alcohol.
- b. To surrender anything in that person's possession which is, or which the Constable or Authorised Officer reasonably believes to be, alcohol or a container or vessel for alcohol. A Constable or an Authorised Officer may dispose of anything so surrendered in whatever way he or she thinks appropriate.

Offence of consumption of alcohol in breach of a prohibition in this Order and failure to comply with a requirement imposed under Section 63 (2) of the 2014 Act.

A person who fails without reasonable excuse to comply with a requirement imposed on him or her by a Constable or Authorised Officer commits an offence, contrary to s.63 (6) of the Anti-Social Behaviour Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A Constable or Authorised Officer may under section 68 of the 2014 Act issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under section 63 of the 2014 Act in relation to a requirement imposed by virtue of this Order.

Schedule 2 to this order sets out details of premises etc. to which this alcohol prohibition does not apply.

2. Aggressive begging

No person may aggressively beg for food, money, or other items. This includes:

- begging in a manner that causes or is likely to cause, harassment, alarm, or distress.
- begging with an intent to intimidate which may include repeated requests.
- approaching or following a person whilst making a request.
- continuing to make requests when a negative response has been given.
- begging with use of false or misleading information.
- involving activities that are unsafe or dangerous to any person or property.
- attempting to provide or deliver unrequested or unsolicited services or products with a demand or pressure for money.

3. Threatening, abusive, aggressive, unacceptable behaviour

No person may use language or behave in a manner that causes or is likely to cause harassment, alarm, and distress. This includes:

- Using foul or offensive language at a level that is likely to cause offence to others.
- Use of derogative comments or gestures to another person.
- Making any gestures or language to others that could be deemed as a threat of violence.
- Carrying out any sexual acts in public view.
- Exposing (flashing) intimate body parts in public view.
- Urinating and/or defecating anywhere within the restricted area (other than within a Public Convenience), that is in the open air and/or within public view.
- The use of and or the administering of controlled drugs or psychoactive substances.

Controlled drug has the meaning defined within the Misuse of Drugs Act 1971 and psychoactive substance is a substance defined within the Psychoactive Substances Act 2016.

The restrictions will be in place in the area marked orange in the map below (Schedule 1).

Offence of failing to comply with this Order, other than failure to comply with a requirement imposed under Section 63 (2) of the 2014 Act in relation to alcohol.

It is an offence for a 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 guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A Constable or an Authorised Officer may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under section 67 of the 2014 Act in relation to this Public Spaces Protection Order.

Appeals

Any challenge to this Order, in accordance with section 66 of the 2014 Act, must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

Where an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.