

Appendix 1

Manchester City Council (Wynnstay Grove) Public Spaces Protection Order 2020

The Anti-social Behaviour, Crime and Policing Act 2014

Manchester City Council in the exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following Order

This Order is made on the _____ of October 2020 and shall have effect for a period of 3 years thereafter, unless discharged or extended under the Council's statutory powers

General provisions

The Council is satisfied on reasonable grounds that the activities in the Restricted Area and identified in Articles 1 to 7 of this Order

- have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried on in the Restricted Area and that they will have such an effect, and
- that the effect, or likely effect, of those activities
 - is, or is likely to be, of a persistent or continuing nature,
 - is, or is likely to be, such as to make those activities unreasonable, and
 - justifies the restrictions and prohibitions imposed by this Order

The Council is satisfied that the prohibitions and restrictions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate

This Order applies to all public places within the Restricted Area

This Order is available for inspection on the Council's website

Definitions

"Restricted Area" means all public places, as defined by section 74(1) of the Act, on the whole of Wynnstay Grove and the whole of Wilmslow Road from its junction with Willow Bank (from the southern boundary of 336 Wilmslow Road - "McDonalds" - and the southern boundary of 361 Wilmslow Road) to its junction with Sherwood Street (from the southern boundary of 304 Wilmslow Road - the 'Orange Grove' apartments) and Ladybarn Road (the southern boundary of 331 Wilmslow Road) as more particularly outlined in red on the map at the Appendix

Prohibitions

No person shall in a public place in the Restricted Area

Article 1

protest, namely engage in any act of approval / disapproval or attempted act of approval / disapproval, with respect to issues related to abortion services by any means This includes but is not limited to graphic, verbal or written means, prayer or counselling

Article 2

interfere, or attempt to interfere, whether verbally or physically, with a staff member or service user of the Centre

Article 3

intimidate or harass, or attempt to intimidate or harass, a staff member or service user of the Centre

Article 4

record or photograph a staff member or service user of the Centre without the explicit consent of that person

Article 5

display any text or images relating directly or indirectly to the termination of pregnancy

Article 6

distribute any text or images relating directly or indirectly to the termination of pregnancy

Article 7

play amplified music, voice or audio recordings with respect to the approval or disapproval of abortion services

Requirements

These requirements apply to the whole of the Restricted Area

Article 9

A person in a public place in the Restricted Area who an Authorised Person or Constable reasonably suspects of breaching any of the prohibitions or requirements in this Order shall,

upon request of that Authorised Person, provide their name, address and date of birth to that Authorised Person.

A requirement under this Article is not valid if the Authorised Person is asked by the person subject to the requirement to show evidence of their authorisation and they fail to do so.

Article 10.

A person in a public place in the Restricted Area who an Authorised Person or Constable reasonably suspects of breaching any of the prohibitions or requirements in this Order shall, upon valid request of an Authorised Person or Constable, leave the Restricted Area within a reasonable time as specified in writing by that Authorised Person and not return within 24 hours.

A requirement under this Article is not valid if the Authorised Person is asked by the person subject to the requirement to show evidence of their authorisation and they fail to do so.

**THE COMMON SEAL OF THE COUNCIL
OF THE CITY OF MANCHESTER**

Was hereunto affixed in the pursuance of an order of the Council of the said City: -

..... *G. Corp*

Authorised Signatory

Dated this *9th* day of October 2020



01167568

What happens if you fail to comply with this order?

Criminal offence

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal 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

Penalty

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (£1000) on the standard scale

Appeals

Any challenge to this order 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 Areas. 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 the power to make the order, or to include particular prohibitions or requirements, or that one of the requirements of the legislation has not been complied with. When 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 total. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

Legislation

Section 67 Offence of failing to comply with the order

(1) 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

(2) 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

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (section 63)

A detailed street map of a residential area in Oakland, California. The map shows a grid of streets including Moseley B5098, Ladybarn, Superstore, Lees Hall Cr., Tatton Ct., Egerton, Besford Ct., The Portland, The Alexandra, Raveley, Clifton, Whiteoak Rd., Whiteoak Ct., Lorne Rd., Lombard Gro., Ranville Rd., Latchmere Gro., Willow Pk., Beech Ct., Willow Bnk., Willow Ct., Sherwood, Wynnstay, Mayfair Ct., Ered Gr., Wood, Sherwood, Alder, and Oaklands. A red rectangle highlights a specific area on Wynnstay Rd. near Mayfair Ct. and Beech Ct. The map also includes a scale bar and a north arrow.