

Manchester City Council (City Centre) Public Spaces Protection Order 2019

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 hereby makes the following Order.

This Order is made on the _____ 2019 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 Areas and identified in Articles 1 to 10 and Article 12 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 Areas 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 Areas.

This Order is available for inspection on the Council's website and also at the Customer Services Centre, Ground Floor, Town Hall Extension, Mount Street, Manchester.

Definitions

"Alcohol" has the same meaning as in section 191 of the Licensing Act 2003

"Authorised Person" means a person authorised in writing by the Council

"Constable" includes Police Community Support Officer

"The Council" means Manchester City Council

"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

“Restricted Area” means:

in respect of Articles 1 to 5 and 8 to 11 the whole of the area delineated in red in Schedule 1 to this Order; and

in respect of Articles 6, 7 and 12 the whole of the area delineated in red in Schedule 2 to this Order

“Street cleansing activity” includes any such activities carried on by or on behalf of the Council

Prohibitions

Article 1

No person shall consume alcohol in a public place in the Restricted Area (save for those places identified in section 62 of the Act).

Article 2

No person shall beg for money or any other item in a public place in the Restricted Area in a manner that causes or is likely to cause nuisance, annoyance, fear or distress for or to any other person.

Article 3

No person shall discard, other than in an appropriate sharps container, a hypodermic needle or syringe in a public place in the Restricted Area.

Article 4

No person shall urinate or defecate in a public place in the Restricted Area. This prohibition does not apply to urinating or defecating in a legitimate toilet facility.

Article 5

No person shall erect or keep a tent or other temporary structure in a public place in the Restricted Area in a manner that:

attracts, or is likely to attract, vermin; or
creates, or is likely to create, a health and/or safety risk to any person.

Article 6

No person shall leave commercial waste in a public place in the Restricted Area other than in secure, commercial waste company containers or commercial waste company sacks. Any such waste shall be left in a manner that prevents escape of waste into that public place.

Article 7

No person shall leave commercial waste company bins, or commercial company waste sacks in a public place in the Restricted Areas for the purposes of collection more than 2 hours prior to their contracted collection time.

Requirements

Article 8

A person in a public place in the Restricted Area who:

obstructs the entrance to or exit from any building; or
obstructs the free passage of pedestrians on or in a stairwell; or
causes an obstruction which prevents or hinders street cleansing activity; or
causes an obstruction which prevents or hinders the free passage of pedestrians or vehicles

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by 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 9

A person who has erected or is occupying a tent or other temporary structure in a public place in the Restricted Area in a manner that;

attracts or is likely to attract vermin; or
creates or is likely to create a health and/or safety risk for any other person

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by 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 shall immediately, upon valid request of a Constable or an Authorised Person, remove any litter or controlled waste that they have thrown down, dropped or deposited and left in a public place in the Restricted Area and shall dispose of that litter or controlled waste in a lawful manner.

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 11

A person who an Authorised Person 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 12

A person who has placed commercial waste in a public place in the Restricted Area for collection shall immediately clear that place of any such commercial waste that escapes from their control.

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