

Chelmsford City Council

Anti-social Behaviour, Crime and Policing Act 2014

THE CHELMSFORD CITY COUNCIL (HYLANDS PARK AND SURROUNDING TRUNK ROADS) PUBLIC SPACES PROTECTION ORDER 2014

The Chelmsford City Council (“the Council”) makes this Order under Part 4, section 59 of the 2014 Act, having consulted as required by section 72.

The order shall last for three years, ceasing on the 29th August 2020 and shall take effect on the following dates:

- 14th August 2018 until the 28th August 2018
- 14th August 2019 until the 28th August 2019
- 14th August 2020 until the 28th August 2020

It applies to the public place, “The Restricted Area” hatched and edged in blue on the plan attached at Schedule 1 to the Order, which comprises of:

- Hylands Park, London Road, Chelmsford.
- Chapel Wood, Writtle Road, Margaretting, Ingatestone.
- Land on East Side of Margaretting Road, Writtle, Chelmsford.
- Land at Bumpsteads Farm, Margaretting Road, Writtle, Chelmsford.
- Land on the East Side of Margaretting Road, Writtle, Chelmsford.
- Land at Montpeliers Farm, Margaretting Road, Writtle, Chelmsford.
- Land at South Wood Margaretting Road, Writtle, Chelmsford.
- Land on the East Side of Writtle Road, Writtle, Chelmsford.
- St Mary’s Church, London Road, Widford, Chelmsford.

And the roads therein.

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 carried out are as follows:

1. possession or consumption of psychoactive substances.
2. sale of tickets, wrist bands, badges or any other items that would allow unauthorised access to the RiZe Festival. This includes receiving payment for the temporary use of a wrist band, ticket or badge for the purpose of gaining entry; where this ticket, wristband or badge is then returned to the original seller.
3. gaining unauthorised access to the RiZe Festival site by one of an unauthorised ticket, wristband, badge or any other item.

For the purposes of this Order: -

- i) psychoactive substance means any substance which when consumed by a person is capable of stimulating or depressing a person's central nervous system and is not an exempted substance as set out below.
- ii) a ticket, wristband or badge is considered unauthorised where it has been reused for the purpose of accessing the RiZe Festival site, or is counterfeit, or stolen.

Exemptions shall apply in the following cases (1) where the substances are used for a valid and demonstrable medicinal use (2) given to an animal as a medicinal remedy (3) nicotine and tobacco products (4) alcohol (5) caffeine and caffeine products (6) food stuffs regulated by food safety legislation.

For the purposes of this Order a person "consumes" a psychoactive substance if s/he ingests, inhales, injects, smokes, or otherwise allows the substance to enter his/her body.

Examples of psychoactive substances are: Nitrous Oxide ("laughing gas") "Black Mamba", "Salvia", and "Pink Panthers".

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

1. possession or consumption of psychoactive substances.
2. the selling or exposing or offering for sale or hire of any article or the provision of any service which would or might enable any person to gain unauthorised access to the RiZe Festival site e.g. tickets, wristbands, badges or any other item.
3. gaining or attempting to gain unauthorised access to the RiZe Festival site, including access with an unauthorised ticket, wristband, badge or any other item.

and requires:

4. that any person in the restricted area, breaching the public spaces protection order shall surrender to a Constable, Police Community Support Officer, Council Enforcement Officer or any persons authorised by the Council, anything in their possession which is or which the Constable, Police Community Support Officer, Council Enforcement Officer or any person authorised by the Council, reasonably believes to be:
 - i) a psychoactive substance.
 - ii) a ticket, wristband, badge or any other item that would or might enable a person to gain unauthorised entry to the RiZe Festival.

A Constable, Police Community Support Officer, Council Enforcement Officer or any person authorised by the council may dispose of anything surrendered under the above requirement in whatever way he or she thinks appropriate.

Failure without reasonable excuse to comply with the prohibitions and requirements imposed by this Order is a summary offence under section 67 of the 2014 Act.

A person guilty of an offence under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

A constable or an authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the 2014 Act in relation to this Order.

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 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.

Order varied and extended in accordance with sections 60 & 61 of the Anti-social Behaviour, Crime and Police Act 2014 on 1st August 2018

Signed
Director of Public Places on behalf of Chelmsford City Council

Civic Centre
Duke Street
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Dated 1st August 2018