

Chelmsford City Council

Public Spaces Protection Order - Chelmsford City Centre Car Parks

Anti-social Behaviour Crime and Policing Act 2014 ('the 2014 Act') - Section 59

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

This Order applies to the public places ('the restricted area') known as **High Chelmer Multi Storey Car Park, Townfield Street Multi Storey Car Park, Meadows Retail Multi Storey Car Park, Riverside Ice & Leisure Car Park, and Q-Park Meadows.**

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 order comes into force on 20 July 2021 for a period of three years.

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 and, is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by this order.

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

- loitering within any stairwell, lift lobby area, parking deck, and access or exit route.
- loitering by a car park ticket machine

For the purposes of this PSPO the term "loitering" shall include (without prejudice to the generality of its ordinary meaning) the actions of standing sitting, or lingering (i) aimlessly or without an obvious reason; or (ii) for the purpose of begging, drug taking, or drug dealing.

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 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 sections 63 or 67 of the 2014 Act in relation to this PSPO.

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.

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