

Chelmsford City Council

Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”)

THE CHELMSFORD CITY COUNCIL PUBLIC SPACES PROTECTION ORDER 2021

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 any public place within the district of Chelmsford which consists of highway or roadside, including grass verge, (“the Restricted Area”) *except* that part of the district which is covered by Chelmsford City Council (Chelmsford City Centre and surrounding area) Public Spaces Protection Order 2016. (The 2016 Order contains provisions identical or similar to those within this Order. A map which shows the precise area covered by the 2016 Order can be inspected at the Council’s Civic Centre offices or online at www.chelmsford.gov.uk/communities/community-safety/pspos/)

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 1st August 2024 for a period of 3 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, 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:

Roadside advertisements

Fly posting

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

1. The placing of any advertisement on the highway or roadside without the Highway Authority’s or landowner’s prior written permission. A person or body who (i) benefits or may benefit commercially from the advertisement or (ii) in the case of an event advertised by the advertisement is the owner or occupier of any venue referred to in the advertisement; shall be deemed to have engaged in the placing of the advertisement, in addition to any person(s) who physically places the advertisement on the highway or roadside.
2. Fly-posting (including the unlawful affixing of any placard, notice, or sign to street furniture). A person or body who (i) benefits or may benefit commercially from the fly posting or (ii) in the case of an event advertised by the fly-posting is the owner or occupier of any venue referred to in the advertisement; shall be deemed to have engaged in the fly-posting, in addition to any person(s) who physically affixes the placard, notice or sign to street furniture or other structures.

For the purposes of this Order:-

A vehicle used principally for advertising and left unattended on the highway or roadside will be deemed to be an advertisement.

Note: This makes it clear that vehicles which are, in effect, used as advertising structures are prohibited on the highway or roadside without the Highway Authority's or landowner's prior written permission. The Order is not intended to **prohibit** an advertisement displayed on or in a vehicle normally employed as a moving vehicle.

"local community event or activity" means an event/activity of the the kind described in Schedule 3 Class 3, 3 D of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Exemptions

- (1) An advertising board placed on the highway in accordance with Essex County Council's policy for the placement of advertising boards on the publicly maintainable highway.
- (2) An advertisement announcing any local community event or activity (e.g. a school fete or village fair), not being an event or activity promoted or carried on for commercial purposes. The advertisement(s) must be located in close proximity to the venue for the event (e.g. the village where the event is to take place.)
- (3) Advertisements relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place within the district of Chelmsford provided that all the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are met in respect of the display of any such advertisements.

Contravention of Order

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 sections 63 or 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.

Signed 
Director of Public Places on behalf of Chelmsford City Council

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Dated 1 August 2024