

## THE CITY COUNCIL OF CARLISLE

### NOTICE OF MAKING OF A PUBLIC SPACES PROTECTION ORDER ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTIONS 59 - 68 THE CITY COUNCIL OF CARLISLE (PUBLIC SPACES PROTECTION ORDER (NO. 1)) 2021

1. NOTICE is hereby given that ON 22 March 2021 the City Council of Carlisle ("the Council") made an Order under sections 59 to 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") because the Council is satisfied on reasonable grounds that (a) Activities carried on in the Restricted Areas have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that these activities will be carried on in the public place and they will have such an effect. The text of the Order is as follows:

The City Council of Carlisle ("the Council") hereby makes the following Order under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act").

1. This Order applies to the public areas shown on the plans annexed to this Order in Schedule 1 and Schedule 2 (the Restricted Areas):

a) Challenging anti-social behaviour by groups or individuals in the City Centre, open and Public Spaces and Car Parks in the district.

b) No person shall beg.

c) No person shall camp or sleep overnight with or without a tent, where their behaviour, and the behaviour of their visitors or associates, causes or attracts anti-social behaviour and/or has a detrimental effect on the quality of life of those in the locality.

d) A code of conduct for Buskers is currently in place, therefore, no person shall breach this by causing a nuisance to nearby premises or members of the public. This includes obstructing the highway, pavement or shop entrances, or using street furniture including public seats, lamp posts and railings.

e) No selling of goods, no canvassing of services or charities (without prior written consent from the Council, this must be presented to the authorised officer upon request, failure to do so will result in a breach of the PSPO).

f) No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent public nuisance or disorder.

Where a Police Officer, Police Community Support Officer or a person duly authorised by the Council reasonably believes that a person has been consuming alcohol, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the person may be required:

- Not to consume alcohol or anything reasonably believed to be alcohol
- To surrender anything in that person's possession which is, or which may reasonably believe to be alcohol or a container for alcohol.

Anything surrendered to him or her as a result of a requirement imposed may be disposed of by the authorised officer in whatever way he or she thinks appropriate.

A Police Officer or an authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of his or her authorisation but fails to do so.

g) Cyclists must dismount and push their bikes during the restricted period in the City Centre. At all other times, cyclists must ride responsibly giving consideration and priority to pedestrians.

h) The above restriction (g) applies to riders of scooters / E-Scooters, Skateboards and Motor Propelled vehicles (mobility scooters are exempt) being used on footpaths so as to cause nuisance and annoyance.

i) A person shall be guilty of an offence if, at any time on any open space, park, pedestrianised area, car park within the District to which this Order applies if they are carrying out any of the following activities:

- driving or permitting a vehicle to be used in a manner that causes or is likely to cause harassment, alarm, risk or distress to any person;
- Running or revving of engines in such a manner as to cause a nuisance;
- Racing or driving around the location at speed;
- sounding the horn;
- playing loud music;
- congregating in a car park for the purposes of socialisation without permission; and or
- any variation of the above unless:
  - (i) they have a reasonable excuse for doing so; or
  - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their doing so

j) Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she:

- fails to keep the dog on a lead and under physical control at all time on any land which has been designated as a dog on lead area,
- fails to put a dog on lead by direction
- allows the dog to foul in a public place and then fails to remove the waste and dispose of it in an appropriate receptacle.
- takes a dog onto, or permits the dog to enter or remain on, any land which has been designated as an enclosed play area ("enclosed play area")

The provisions of this order relating to the control of dogs shall not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person and to any person suffering a disability and in sole charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.

## **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 visits the restricted area. This means that only those who are directly affected by the restrictions have the right 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; 1) that the Council did not have the power to make the order or to include particular prohibitions or requirements or that 2) 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 totality. The High Court has the ability to uphold the order, quash it, or vary it.

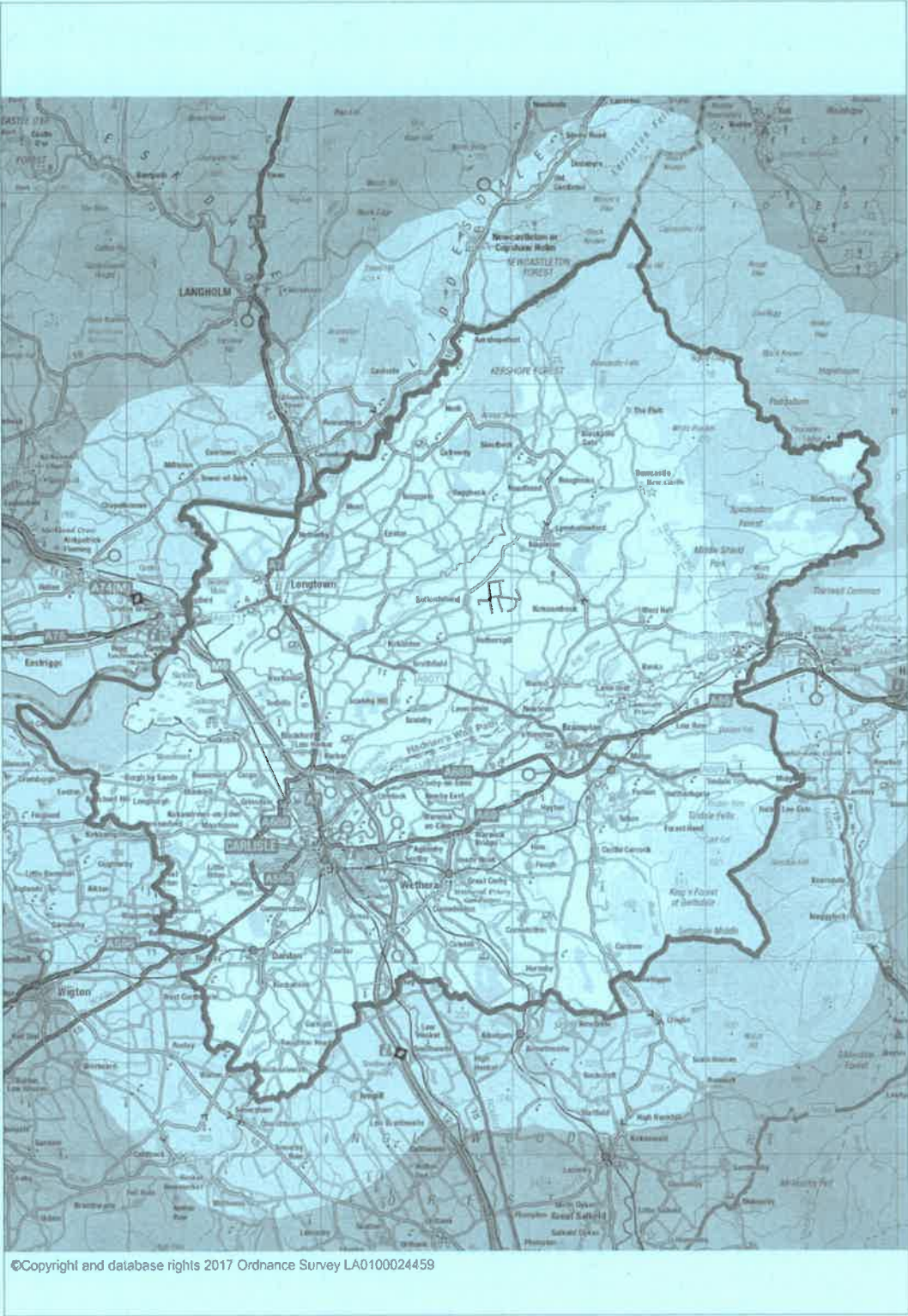
1. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
2. The Order came into force on 22 March 2021 and will be valid until 21 March 2024. The Order may be cited as The City Council of Carlisle (Public Spaces Protection Order (No.1)) 2021.
3. The Order and Plan showing the extent of the restrictions may be inspected on the Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk).
4. Any 'Interested Person' as defined by section 66 of the Act who desires to question the validity of the Order or any of its provisions on the grounds that it is not within the powers conferred by the Acts or any requirement of the Acts or any instrument made under the Act has not been complied with, that person may, within 6 weeks from the date on which the Order is made, apply for the purpose to the High Court.

Dated this 22 March 2021

M D LAMBERT  
CORPORATE DIRECTOR OF GOVERNANCE & REGULATORY SERVICES  
CARLISLE CITY COUNCIL, CIVIC CENTRE, CARLISLE, CA3 8QG

SCHEDULE 1

THE DISTRICT

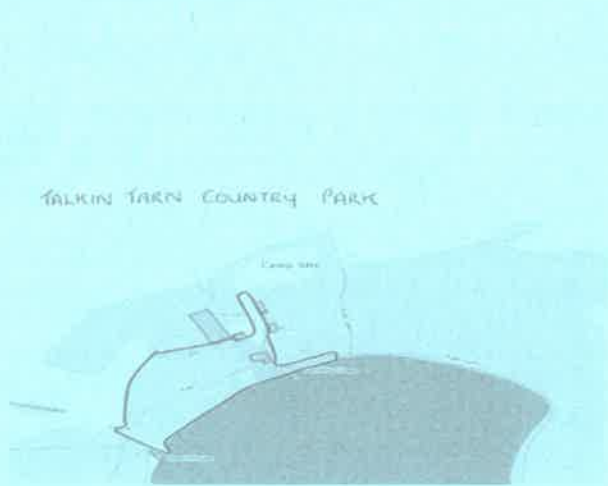


SCHEDULE 2

## DESIGNATED DOG ON LEAD

1. All that part of the land and buildings at Talkin Tarn County Park, Brampton shown edged red on the plan annexed hereto and marked "Talkin Tarn Country Park".

Talkin Tarn Country Park



2. All those Cemeteries in the District known as:

- Carlisle Cemetery and Crematorium shown edged red on the plan attached hereto and marked "Carlisle Cemetery".
- Stanwix Cemetery shown edged red on the plan annexed hereto and marked "Stanwix Cemetery".
- Upperby Cemetery, Manor Park Road shown edged red on the plan annexed hereto and marked "Upperby Cemetery".

Carlisle Cemetery



Stanwix Cemetery



Upperby Cemetery



