

# Anti-Social Behaviour, Crime and Policing Act 2014



## Public Spaces Protection Order

### Alcohol, Vehicular Nuisance & Other Matters

This Order is made by Rosendale Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

This order may be cited as the Rosendale Borough Council, Public Spaces Protection (Alcohol, Vehicular Nuisance & Other Matters) Order.

This order came into force on 15th December 2021 and was varied and extended for a further 3 years from **11<sup>th</sup> December 2024**.

This Order relates to all areas within the Borough of Rosendale, including public space in the Council's area and privately owned land made available to the public, to which the Act applies ("the Restricted Area").

This order shall apply at all times.

The Council is satisfied that the two conditions below have been met, in that:

- activities carried on or in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
- the effect, or likely effect, of the 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 the Order.

#### By this order

The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times, unless specifically stated.

#### Prohibitions

##### 1) Consumption of alcohol in public areas, away from licensed premises

- 1.1 It will constitute an offence should any person, when requested by an Authorised Officer, not cease from drinking alcohol in a public place away from licensed premises and not surrender any opened vessels of alcohol. Any unopened alcoholic drinks may be subject to confiscation or disposal should the officer believe the person is either:
- i) Under 18 years of age;
  - ii) Intoxicated;
  - iii) Likely to consume the alcohol in public and cause nuisance if left with them

## 2) Mechanically Propelled Vehicles

- 2.1 Mechanically propelled vehicles (hereafter referred to as "MPV") are prohibited from being used on any publically owned land/highway in the Borough, or on any other land without express or implied permission.
- 2.2 A person is prohibited from parking up a motor vehicle or trailer on any road or land without the land owners permission, with the intention to then off load any MPV to be used on any publically owned land/highway in the Borough, or any other land without the express or implied permission.
- 2.3 A person is prohibited from having a MPV in their possession but not being ridden when in a public space or on a highway or pavement, unless they can produce appropriate insurance for use of the MPV on a public highway.
- 2.4 The only exception will be granted for persons wheeling a MPV to a clearly identified van or trailer for onwards transportation.
- 2.5 A person is prohibited from engaging in, promoting, encouraging or assisting in the carrying out of any anti-social behaviour connected to the use of a mechanically propelled vehicle in or on a public highway, public car park and other land to which the public has access in the Rossendale District area (the restricted area).

The following list is of mechanically propelled vehicles which are included in this order, but this list is intended to be indicative, not exhaustive:

- Motorbikes (road going and off road) including mini "pee-wee" bikes
- Electrically propelled motor bikes
- Scooters
- Quad Bikes and mini quad bikes
- Motor Cars

The following MPV's are exempt from the Order:

- Vehicles for use by a person with a mobility impairment, and being used by someone with a mobility impairment.

### **Offences under this Public Space Protection Order:**

- 3.1 It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 3.2 In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice in the sum of £100 or if guilty on summary convictions liable to a fine not exceeding level 3 on the standard scale.
- 3.3 It shall be an offence under this Order for any person to fail to give their true name and ordinary residential address to an Authorised Officer of Rossendale Borough Council or to a Police Constable when requested or to otherwise obstruct such officers in the course of their duty.
- 3.4 It shall be an offence for a person to fail to provide evidence of insurance for any MPV when requested to do so by an Authorised Officer of Rossendale Borough Council or Police Constable.



THE COMMON SEAL OF ROSSENDALE )  
BOROUGH COUNCIL was hereunto )  
affixed in the presence of:- )

*Comins*

REG. MAIL SEAL  
REGISTER  
115282

