

Draft Multi-Storey Car Parks Public Spaces Protection Order No. 1 of 2024("Order")

PUBLIC SPACES PROTECTION ORDER

This order is made by Crawley Borough Council (the "Council") and shall be known as the Multi-Storey Car Parks Public Spaces Order No. 1 of 2024.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:
 - 1.1 The activity identified below has been carried out in public places within the Council's area and has had a detrimental effect on the quality of life of those in the locality, and
 - 1.2 That the effect, or likely effect, of the activity:
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions and requirements imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activity from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

RESTRICTED AREA

4. The Restricted Area means these multi-storey car parks:
 - 4.1 Orchard Street multi-storey car park, Orchard Street;
 - 4.2 Town Hall multi-story car park, Exchange Road; and
 - 4.3 Kingsgate multi-storey car park, Queensway;being the land shown edged blue on each of the plans in the Schedule to this Order.

THE ACTIVITY

5. The Activity prohibited by the Order is:
 - 5.1 Entering the Restricted Area for purposes which are not connected to the parking of a vehicle or bicycle therein or the lawful access to a vehicle or bicycle parked therein.

THE PROHIBITIONS

6. Subject to the exceptions stated below, a person shall not engage in the Activity within the Restricted Area.

THE REQUIREMENTS

7. A person who is believed to have engaged in a breach of this Order, is required to give their name and address to an Authorised Officer when asked.
8. A person is required to immediately leave and remain outside the Restricted Area for 48 hours, if so directed by an Authorised Officer.

THE EXCEPTIONS

9. The prohibition in paragraph 6 does not apply to any person entering the Restricted Area who is authorised to carry out surveys, repairs or works to the building, equipment or utilities within the Restricted Area.
10. The prohibition in paragraph 6 does not apply to any person who is a member of the emergency services or who is an Authorised Officer and enters the Restricted Area in that capacity.

DEFINITIONS

11. In this Order:

11.1 “Authorised Officer” means a police officer, a police community support officer (PSCO), a Council officer and any person authorised by the Council to enforce this Order.

11.2 “public place” means any place to which the public or any section of the public has access.

11.3 “The Restricted Area” has the meaning given by paragraph 4 of this Order.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

12. This Order will come into force at midnight on [DATE] and will expire at midnight on [DATE].

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates’ Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

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 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 in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)

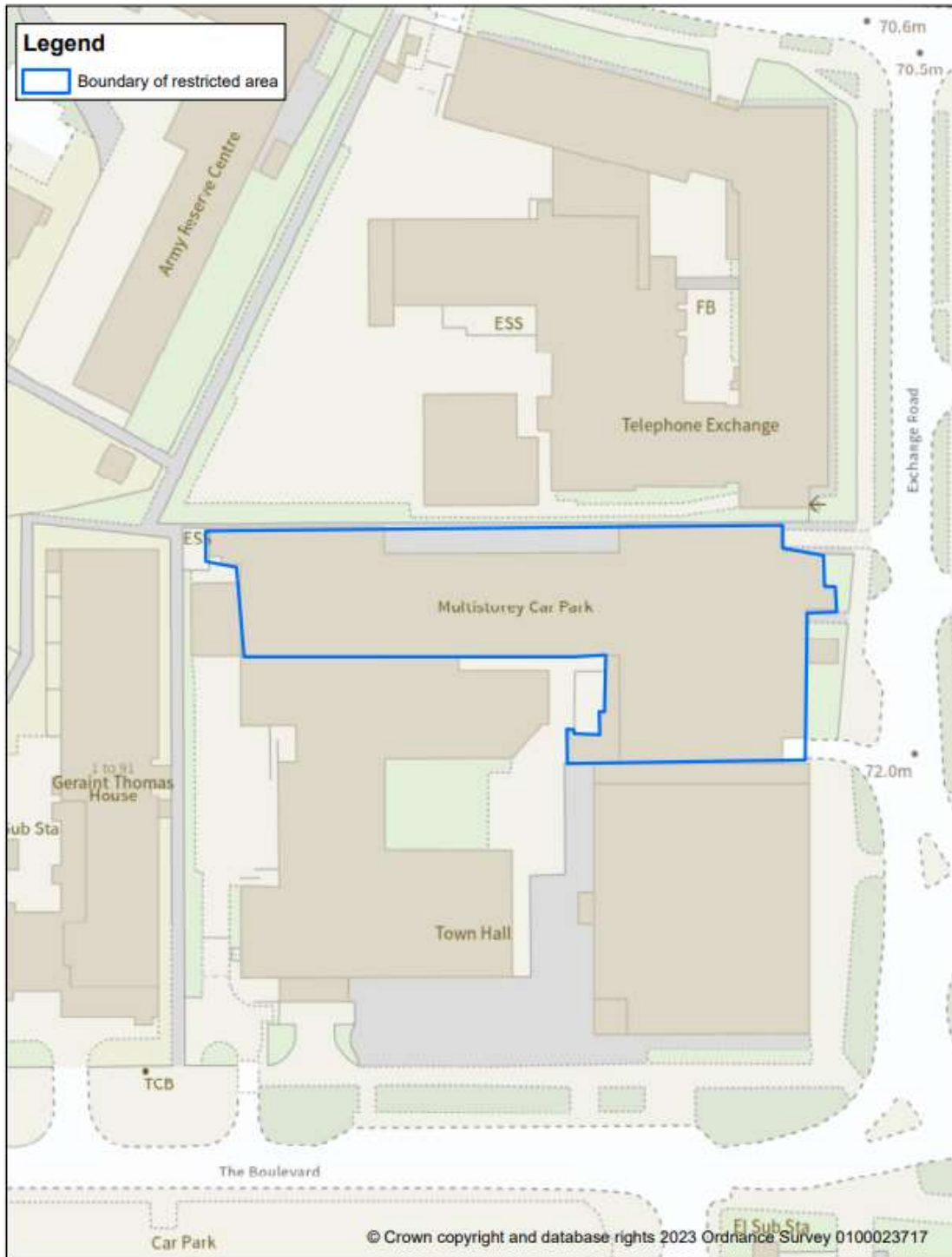
Schedule

Orchard Street Carpark





Town Hall Carpark





Kingsgate Carpark

