

SUNDERLAND CITY COUNCIL
PUBLIC SPACES PROTECTION ORDER
NUMBER 1 OF 2024 (SUNDERLAND CITY
COUNCIL AREA)

Sunderland City Council ("the Council"), in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers, being satisfied that the conditions set out in Section 59 of the Act have been met and having had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, hereby makes the following Order:-

1. This Order shall be cited as The Sunderland City Council Public Spaces Protection Order Number 1 of 2024 (Sunderland City Council Area) and shall come into force on 1st day of MAY 2024 for a period of three years.
2. This Order applies to "the Restricted Area" which consists of all public places within the land in the area of the Council shown edged by a thick black line on the Map annexed to this Order. For the purposes of this Order the term "public place" is defined as 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, and which is open to the air (which includes land which is covered but open to the air on at least one side).
3. The Council is satisfied that the following activities carried on, or likely to be carried on, in the Restricted Area have had, or will have, a detrimental effect on the quality of life of those in the locality, namely: -
 - a. Consumption of alcohol in a public place, causing or likely to cause anti-social behaviour.
 - b. The use of psychoactive substances in a public place.
 - c. Smoking / vaping in all designated play areas
 - d. Car cruising as a passenger, driver or spectator
 - e. Restrictions on unauthorised street events on adopted highways.
 - f. Anti-social use of a skateboard, scooter, skates, bicycle, or stunt bicycle causing damage to property and/or nuisance or annoyance to other persons
 - g. Anti-social riding of a motor propelled vehicle, moped, quad bike, motorised bike or scooter in an open public place including bridleways and footpaths
 - h. Feeding / Attracting seagulls and pigeons
 - i. Household waste presentation
 - j. Bin raking
 - k. Removal of shopping trolleys
 - l. Urinating and defecating in public places
 - m. Spitting and discarding chewing gum
 - n. Dog fouling, dogs not kept under control and the presence of dogs in prohibited areas.
4. The effect of this Order is to impose the following prohibitions and requirements in relation to the Restricted Area.

5. For the purposes of this Order, an "authorised person" means a duly authorised officer of the council, or a Police Officer or Police Community Support Officer ("PCSO").

- I. No person shall consume alcohol from an open container in a public place (save that this provision does not apply to any premises of the type described in section 62 of the Act (licensed premises etc.)).
- II. It is an offence to continue to drink alcohol in a Restricted Area when asked not to do so by an authorised person.
- III. It is also an offence to fail to surrender any alcohol, in an open container, to an authorised person when asked to do so.

6. No person shall ingest, inhale, inject, smoke or otherwise consume any psychoactive substance, namely any substance which is capable of producing a psychoactive effect in a person by stimulating, or depressing the person's central nervous system and affecting the person's mental functioning, or emotional state.

7. No person shall smoke, including electronic cigarettes and vapes, in or within the boundary of a children's play area, or enclosed multi-sports area (MUGA), sporting, or other recreational open to the air facilities maintained by the Council.

8. No person shall, on a highway, or publicly accessible area, as defined by the Highways Act 1980, participate in vehicle cruising activities as a driver or passenger of a motor vehicle; or congregate to spectate vehicle cruising activities; or promote, organise or publicise such activities. Vehicle cruising is that which a reasonable person would consider it to be, namely (but not limited to) speeding, driving in convoy, racing, performing stunts, sounding horns as to cause a nuisance, revving engines, and performing wheel spins which have the potential to cause danger, using threatening or intimidating behaviour; causing an obstruction (whether moving or stationary) or damage to property, and other road users and pedestrians.

9. No unauthorised event may be held on adopted highways by any non-charitable, non-educational or profit-making organisation without any necessary licence, consent, or certificate that may be separately required.

10. No person shall ride upon a skateboard, scooter, skates, bicycle, or stunt bicycle in a manner which could cause damage to property or nuisance or annoyance to one or more persons.

11. No person(s) shall engage in riding any motor propelled vehicle, moped, quad bike, motorised bike, or scooter in an anti-social manner, to ensure public safety to pedestrians and other highway users. Anti-social manner means conduct likely to cause harassment alarm or distress to any person

12 A publicly accessible place, includes highways, bridleways and footpaths, except

where the owner, occupier or other person, or authority having control of the land has consented (generally or specifically) to them doing so.

13.No person at any time shall provide, or deposit food for the purpose of feeding or attracting Seagulls or Pigeons, within the Restricted Area save where the owner, occupier, or other person, or authority having control of the land has consented (generally or specifically) to them doing so.

14.In relation to household waste presentation: -

- a. Each Relevant Person is required to ensure that all household waste presented, or to be presented for collection from Relevant Premises shall be contained in receptacles of such kind and number as may be specified in any notice served by the Council under Section 46 of the Environmental Protection Act 1990 and in accordance with any further requirements of such notice.
- b. Each Relevant Person shall have an equal and separate responsibility in relation to the requirement at Paragraph 14(a) above, whether physically present at the Relevant Premises or not.
- c. No person shall be in breach of these requirements if that person demonstrates that they have taken all such steps as were reasonably available to that person to secure compliance, provided that proof of the same shall lie with that person.

This paragraph applies to all persons ("the Relevant Person") in a position to control residential premises located within the Restricted Area ("the Relevant Premises"). For the purposes of this Order, Relevant Person means any person residing in, whether permanently, or temporarily, by legal right or simple occupation, any premises situated in the specified area and also any owner or managing agent of any premises let on a periodic tenancy and situated within the Restricted Area.

15.No person shall engage in 'bin raking', namely the searching of, and/or taking of any items whatsoever from, rubbish bins or rubbish bags or the taking of any other items clearly left to be disposed of.

16.No person shall remove any shopping trolley from an area which is clearly delineated with signage stating "No Trolleys Beyond This Point" and that "it is a shopping trolley Public Spaces Protection Order designated area".

17.No person shall without reasonable excuse urinate or defecate in the Restricted Area other than a public toilet.

18.No person shall without reasonable excuse spit (including discharging of chewing gum) in the Restricted Area

19.In relation to the control of dogs:

- I. If a dog defaecates at any time on land within the Restricted Area, any person who is in charge of the dog at that time shall remove the faeces from the land forthwith.
- II. Any person who is in charge of a dog on land within the Restricted Area signed at its entrance(s) or otherwise marked as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect) which is an open (unfenced) designated children's play area, a cemetery burial ground or churchyard, an enclosed park, sensory or formal garden or an open or enclosed playing field or sports facility (including football pitches, cricket pitches, skate parks and bowling greens) shall keep the dog on a lead at all times.
- III. Any person who is in charge of a dog on any land within the Restricted Area which is an open park, pleasure ground or other open space; not otherwise marked as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect), beach/foreshore or any slope or staircase leading thereto not otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect), school grounds, a car park; a carriageway or adjoining footpath or verge; or any other footpath, bridleway, alley, precinct, promenade, thoroughfare or other way (not being a carriageway) shall comply with a direction given to them by an authorised person to put and keep the dog on a lead, provided always that an authorised person may only give a direction under this sub-paragraph to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behavior by the dog likely to cause annoyance or disturbance to any other person or the worrying disturbance of any animal or bird.
- IV. Any person who is in charge of a dog shall not take the dog into, or permit the dog to enter or remain on, any land within the Restricted Area signed at its entrance(s) or otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is an enclosed designated children's play area or an enclosed multi-sports area (MUGA), sporting or other recreational facility maintained by the Council or an identified area of the beach/foreshore and any slope or staircase leading thereto.
- V. Any person who is in charge of a dog shall reduce the length of a lead to a suitable length, to ensure that the dog is under control and at heel when requested to do so by an authorised person.
- VI. Any person who is in charge of a dog shall be able to produce a dog bag or other appropriate receptacle on request by an authorised person.

20. For the purpose of this Paragraph: -

- a. At heel means close to your side neither in front nor behind.
- b. A person in charge of a dog shall be taken to be in charge of the dog at any time unless the contrary is shown.
- c. A dog bag is defined as a bag or other suitable container or receptacle designed or used for the express purpose of collecting, removing, and disposing of faeces.
- d. The prohibition in paragraph 19 IV (dog exclusion areas) shall apply to identified beaches/foreshores and any slope or staircase leading thereto only between 1st May and 30th September inclusive in any year.

21. Nothing in paragraphs 19 and 20 above will apply to a person who

1. is registered as a blind person; or
2. has a disability which affects their mobility, manual dexterity, physical co- ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance; and a "prescribed charity/" shall mean Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281), Canine Partners for Independence (registered charity number 803680) or Dog A.I.D. (registered charity number 1098619).
3. is deaf in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance.
4. No person shall be in breach of these requirements if they have a reasonable excuse for failing to comply or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

22 . For the purposes of paragraph 19

- a. Removal of faeces means placing the faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- b. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

23.a. For the purposes of enforcing the provisions of this Order, a person shall provide their full name, address and date of birth to a duly authorised person upon any request whether verbally or in writing, and within such time as may be stipulated by that authorised person.

b. If any person, having been asked to provide their details knowingly gives false, inaccurate, or misleading information to the officer requesting that information, that person shall be deemed to have failed to comply with those requirements.

24. A person who fails, without reasonable excuse, to comply with a requirement imposed on them under section 63(2) of the Act (as set out in paragraph 5 (I-III above), commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500).

25. A person who without reasonable excuse, does anything that they are prohibited, or fails to comply with a requirement to which they are subject to as contained within paragraphs 6 to 19 of this Order commits an offence under section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000). (Provided always that a person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the Order).

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OF SUNDERLAND**

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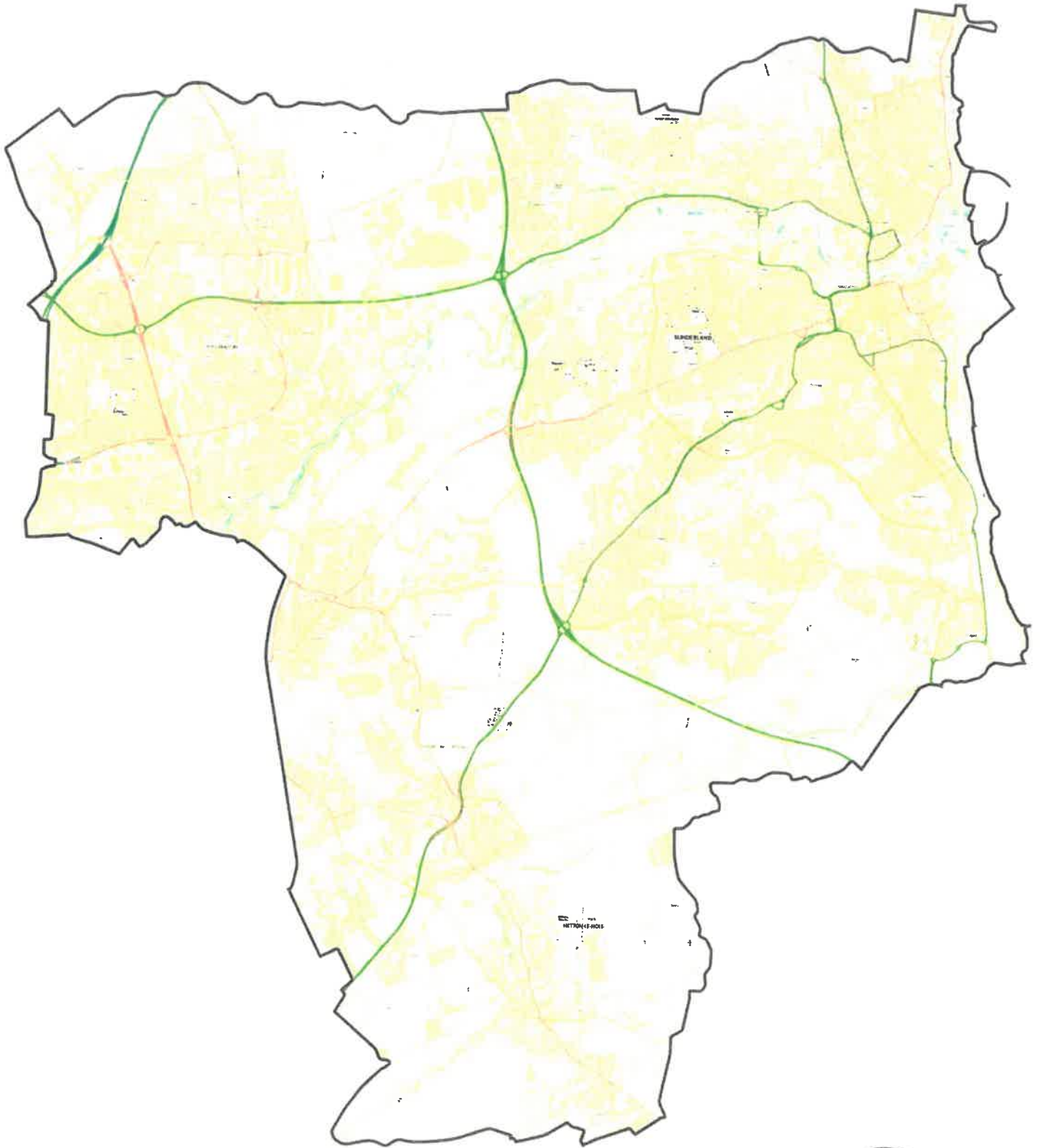
hereunto affixed in the presence of:-



Authorised signatory

Seal No. 64093281A

Area Covered by Sunderland City Council Public Spaces Protection Order dated 1st May 2024



A handwritten signature in black ink, consisting of a stylized 'S' and 'C' followed by the initials 'CU'.

Seal No. 64093281A