

# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

## **OLDHAM BOROUGH COUNCIL**

### **NOTICE OF INTENTION TO EXTEND THE DURATION OF AND VARY AN EXISTING PUBLIC SPACES PROTECTION ORDER**

#### **CROMPTON MOOR, CROMPTON**

Notice is hereby given that Oldham Borough Council ('the Council') proposes for the purposes of reducing crime and anti-social behaviour pursuant to sections 59 – 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") to extend and vary the above Public Spaces Protection Order for a period of three years.

The Council is satisfied on reasonable grounds that:

- a) the extension is necessary to prevent:
  - i) occurrence or recurrence after the Order is due to expire of the activities identified in the Order; and/or
  - ii) an increase in the frequency or seriousness of those activities after that time;
- b) the new prohibitions or requirements imposed by the Order as varied are ones that are reasonable to impose pursuant to section 59 of the Act.

The effect of the proposed extension and variation will be to impose the following restrictions on the public place known as Crompton Moor, Crompton shown edged in red on the plan annexed to this Notice ("the Restricted Area"):

- 1. A person who brings to, or is in control of, more than three dogs in the Restricted Area on any single occasion, shall be guilty of an offence.
- 2. If a dog defecates at any time in the Restricted Area and a person who is in charge of the dog at the time fails to remove the faeces from the Restricted Area forthwith, that person shall be guilty of an offence.
- 3. A person shall be guilty of an offence if they deposit waste or leave any other article in the Restricted Area, in any place, other than waste bins or receptacles designated for the disposal of waste items.
- 4. A person shall be guilty of an offence if they do not comply with an instruction given by a Police Officer or other authorised person, not to consume alcohol or to surrender alcohol or a container for alcohol, within the Restricted Area.
- 5. A person shall be guilty of an offence if they camp within the Restricted Area without the express consent of the Oldham Metropolitan Borough Council.
- 6. A person shall be guilty of an offence if they have in their possession an air propelled weapon in the Restricted Area

7. A person shall be guilty of an offence if they hunt any animal or bird within the Restricted Area.
8. A person shall be guilty of an offence if they light a fire within the Restricted Area.
9. A person shall be guilty of an offence if they drive or bring any mechanically propelled vehicle in the Restricted Area, without the express consent of the Oldham Metropolitan Borough Council, save for motorised wheelchairs, mobility scooters or any other device designed to assist an individual with a disability.
10. A person shall be guilty of an offence if they cause damage to any tree, shrub or woodland within the Restricted Area.
11. A person shall be guilty of an offence if they have in their possession any nitrous oxide container or any other psychoactive substance within the Restricted Area.
12. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light, a barbecue in the Restricted Area.
13. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light a firework in the Restricted Area. For the purposes of this Article, "firework" means a firework as defined in section 1 of the Fireworks Act 2003.
14. A person shall be guilty of an offence if, without the prior written consent of the Council, they light a Chinese lantern or other open flame heat source lantern in the Restricted Area.

The Order will contain exemptions for emergency services personnel.

A draft of the proposed Order together with a plan is available for inspection on the Council's website and also at Civic Centre Reception, West Street, Oldham, between the hours of 8.40am and 5.00pm Monday to Friday (Ref AE/PSPO).

Any representation or objection to the proposed Public Spaces Protection Order must be in writing and sent to the Director of Legal Services, Civic Centre, West Street, Oldham OL1 1UL or by email to [alan.evans@oldham.gov.uk](mailto:alan.evans@oldham.gov.uk) before 21 August 2020.

The Council must make available for public inspection any consultation responses to the proposed Order, including the details of the responder. Any person making representations either in favour of, or against the proposed Order, should therefore be aware that the content of their response, including their personal information, may be disclosed in the event that a request for an inspection of the responses is made.

Paul Entwistle  
Director of Legal Services  
Civic Centre  
West Street  
Oldham

17 July 2020

# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

## **OLDHAM BOROUGH COUNCIL**

### **CROMPTON MOOR, CROMPTON**

#### **PUBLIC SPACES PROTECTION ORDER 20XX**

Oldham Borough Council ("the Council") in exercise of its power under sections 59, 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers hereby makes the following Order:-

1. This Order applies to the public place known as Crompton Moor, Crompton shown edged in red on the plan annexed to this Order ("the Restricted Area").
2. The Council is satisfied that the conditions set out in Sections 59, 60, 61 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of combatting, within the Restricted Area, crime and anti-social behaviour which has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed by this Order.
3. A person who brings to, or is in control of, more than three dogs in the Restricted Area on any single occasion, shall be guilty of an offence.
4. If a dog defecates at any time in the Restricted Area and a person who is in charge of the dog at the time fails to remove the faeces from the Restricted Area forthwith, that person shall be guilty of an offence.
5. A person shall be guilty of an offence if they deposit waste or leave any other article in the Restricted Area, in any place, other than waste bins or receptacles designated for the disposal of waste items.
6. A person shall be guilty of an offence if they do not comply with an instruction given by a Police Officer or other authorised person, not to consume alcohol or to surrender alcohol or a container for alcohol, within the Restricted Area. For the purposes of this Article, "authorised person" means a person authorised by the Council for the purposes of section 63 of the Act (consumption of alcohol in breach of prohibition in order) or authorised by virtue of section 69(1) of the Act (powers of community support officers).
7. A person shall be guilty of an offence if they camp within the Restricted Area without the express consent of the Oldham Metropolitan Borough Council.
8. A person shall be guilty of an offence if they have in their possession an air propelled weapon in the Restricted Area.

9. A person shall be guilty of an offence if they hunt any animal or bird within the Restricted Area.
10. A person shall be guilty of an offence if they light a fire within the Restricted Area.
11. A person shall be guilty of an offence if they drive or bring any mechanically propelled vehicle in the Restricted Area, without the express consent of the Oldham Metropolitan Borough Council, save for motorised wheelchairs, mobility scooters or any other device designed to assist an individual with a disability.
12. A person shall be guilty of an offence if they cause damage to any tree, shrub or woodland within the Restricted Area.
13. A person shall be guilty of an offence if they have in their possession any nitrous oxide container or any other psychoactive substance within the Restricted Area.
14. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light, a barbecue in the Restricted Area.
15. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light a firework in the Restricted Area. For the purposes of this Article, "firework" means a firework as defined in section 1 of the Fireworks Act 2003.
16. A person shall be guilty of an offence if, without the prior written consent of the Council, they light a Chinese lantern or other open flame heat source lantern in the Restricted Area.
17. The restrictions in Articles 3 to 16 to this Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties.
18. For the purposes of Articles 3 and 4:
  - a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog unless at that time some other person is in charge of the dog;
  - b) Placing the faeces in a receptacle in the Restricted Areas which is provided for that purpose or for the disposal of waste, shall be sufficient removal from the Restricted Areas;
  - c) 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.

19. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
20. This Order shall come into force on XXX for a period of three years.

**THE COMMON SEAL** of                   )  
**OLDHAM BOROUGH**                    )  
**COUNCIL** was hereunto               )  
affixed on XXX                        )  
in the presence of: -                 )