



ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

Public Spaces Protection Order 2022 – Woodchurch

This Public Spaces Protection Order is made by Wirral Borough Council under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

1. Citation

This Order may be cited as The Woodchurch PSPO 2022.

2. Duration of The Woodchurch PSPO 2022

- (i) The Woodchurch PSPO 2022 will remain in force for a period of 3 years from the commencement date given in paragraph 4(i) below.
- (ii) Before the expiry of The Woodchurch PSPO 2022, Wirral Borough Council may extend the duration of it if satisfied on reasonable grounds that doing so is necessary to prevent occurrence or recurrence after that time of activities that have had a detrimental effect on the quality of life of those in the locality, or if it is satisfied on reasonable grounds that doing so is necessary to prevent an increase in the frequency or seriousness of such activities.
- (iii) The Woodchurch PSPO 2022 may be extended more than once.

3. The Restricted Area

This Order relates to the area shaded purple on the plan below (“the Restricted Area”) which is an area situated within the Upton Ward of Wirral, known as the Woodchurch Estate, including parts of Pemberton Road, Ferny Brow Road, Grass Wood Road and Hoole Road and incorporates and/or extends to The Meadow, Cheverton Close, Huddleton Close as well as the land at Selbourne Close which is located in between Cheverton Close and Huddleton Close and is applicable on all days.

4. Effect

- (i) The Woodchurch PSPO 2022 comes into force on 19th December 2022.
- (ii) The Woodchurch PSPO 2022 is made because Wirral Borough Council is satisfied on reasonable grounds that, in relation to the Restricted Area, the two conditions prescribed by section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) are met, namely:
 - a. activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that

activities will be carried on in a public place within that area and that they will have such an effect; and

- b. the effect, or likely effect of the activities:
 - i. is, or is likely to be, of a persistent or continuing nature;
 - ii. is, or is likely to be, such as to make the activities unreasonable, and
 - iii. justifies the restrictions imposed by the Woodchurch PSPO 2022.

(iii) The prohibitions or requirements imposed by the Woodchurch PSPO 2022 are ones that Wirral Borough Council has determined are reasonable to impose in order to prevent the detrimental effect continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

5. Offence of failing to comply with The Woodchurch PSPO 2022: section 67 of the Act

- (i) It is an offence for a person, without reasonable excuse:
 - a. to do anything that that person is prohibited from doing by The Woodchurch PSPO 2022; or
 - b. to fail to comply with a requirement to which that person is subject under the Woodchurch PSPO 2022.
- (ii) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (iii) A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in The Woodchurch PSPO 2022.
- (iv) An authorised officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to Woodchurch PSPO 2022.
- (v) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty not exceeding £100 to Wirral Borough Council.

6. Variation & Discharge of The Woodchurch PSPO 2022: section 61 of the Act

- (i) Wirral Borough Council may, in appropriate circumstances, vary The Woodchurch PSPO 2022 by increasing or reducing the restricted areas and/or by altering or removing a prohibition or requirement included in The Woodchurch PSPO 2022, or by adding a new one.
- (ii) Wirral Borough Council may discharge The Woodchurch PSPO 2022 at any time.

7. Challenging the Woodchurch PSPO 2022: section 66 of the Act

- (i) Under section 66(1) of the Act an Interested Person may apply to the High Court to question the validity of The Woodchurch PSPO 2022, or the validity of any variation of it, on the grounds specified in section 66(2) of the Act, namely:

- a. that Wirral Borough Council did not have power to make The Woodchurch PSPO 2022, or any subsequent variation of it, or to include particular prohibitions or requirements imposed by The Woodchurch PSPO 2022 (or any subsequent variation of it); or
- b. that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to The Woodchurch PSPO 2022, or any subsequent variation of it.
- c. Under section 66(3) of the Act any application to challenge the validity of The Woodchurch PSPO 2022, or any subsequent variation of it, must be made by an Interested Person within the period of 6 weeks beginning with the date on which The Woodchurch PSPO 2022 is made, or the date on which any subsequent variation is made.

8. Prohibition

BY THIS ORDER:

1. No person shall drink or attempt to drink alcohol in any public space within the Restricted area following receipt of a requirement not to do so given to them by a Police Officer or an authorised officer.

Where a Police Officer or an authorised officer reasonably believes that a person has been consuming alcohol, or that a person intends to consume alcohol in circumstances in which doing so may lead to a breach of this prohibition, the Police Officer or authorised officer may require that person:

- (i) Not to consume, in breach of the prohibition, alcohol or anything which the Police Officer or authorised person reasonably believes to be alcohol.
- (ii) To surrender anything in that person's possession which is, or which the Police Officer or authorised person reasonably believes to be, alcohol or a container for alcohol.

A Police Officer or authorised person may dispose of anything surrendered to them as a result of a requirement imposed by him or her in whatever way he or she thinks appropriate.

A Police Officer or an authorised person who imposes a requirement pursuant to this prohibition 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.

2. No person shall drink or attempt to drink, inhale, inject, or otherwise use or be in possession of any intoxicating substances or "legal highs" or drug paraphernalia including nitrous oxide canisters in any public place within the Restricted Area. This includes substances with the capacity to stimulate or depress the central nervous system.

Where a Police Officer or an authorised officer reasonably believes that a person has been consuming any intoxicating substances including nitrous oxide, or that a person intends to consume any intoxicating substances in circumstances in which doing so would be a breach of this prohibition, the Police Officer or authorised person may require that person:

- (i) Not to consume, in breach of the prohibition, any intoxicating substance or “legal high” including nitrous oxide or anything which the Police Officer or authorised person reasonably believes to be an intoxicating substance or “legal high” including nitrous oxide.
- (iii) To surrender anything in that person’s possession which is, or which the Police Officer or authorised person reasonably believes to be an intoxicating substance or “legal high” including nitrous oxide and their containers/cannisters.

A Police Officer or authorised person may dispose of anything surrendered to them as a result of a requirement imposed by them in whatever way he or she thinks appropriate.

A Police Officer or an authorised person who imposes a requirement pursuant to this prohibition 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.

3. Between the hours of 1500 and 2200 hours each day, any person within any open public space in the Restricted Area who is in a gathering of 2 or more persons must leave the Restricted Area when required to do so by a Police Officer or an authorised officer if such officer reasonably believes that any person who is part of the gathering is engaging in or is intending to engage in behaviour that is likely to cause alarm, harassment or distress to any other person within the Restricted Area.

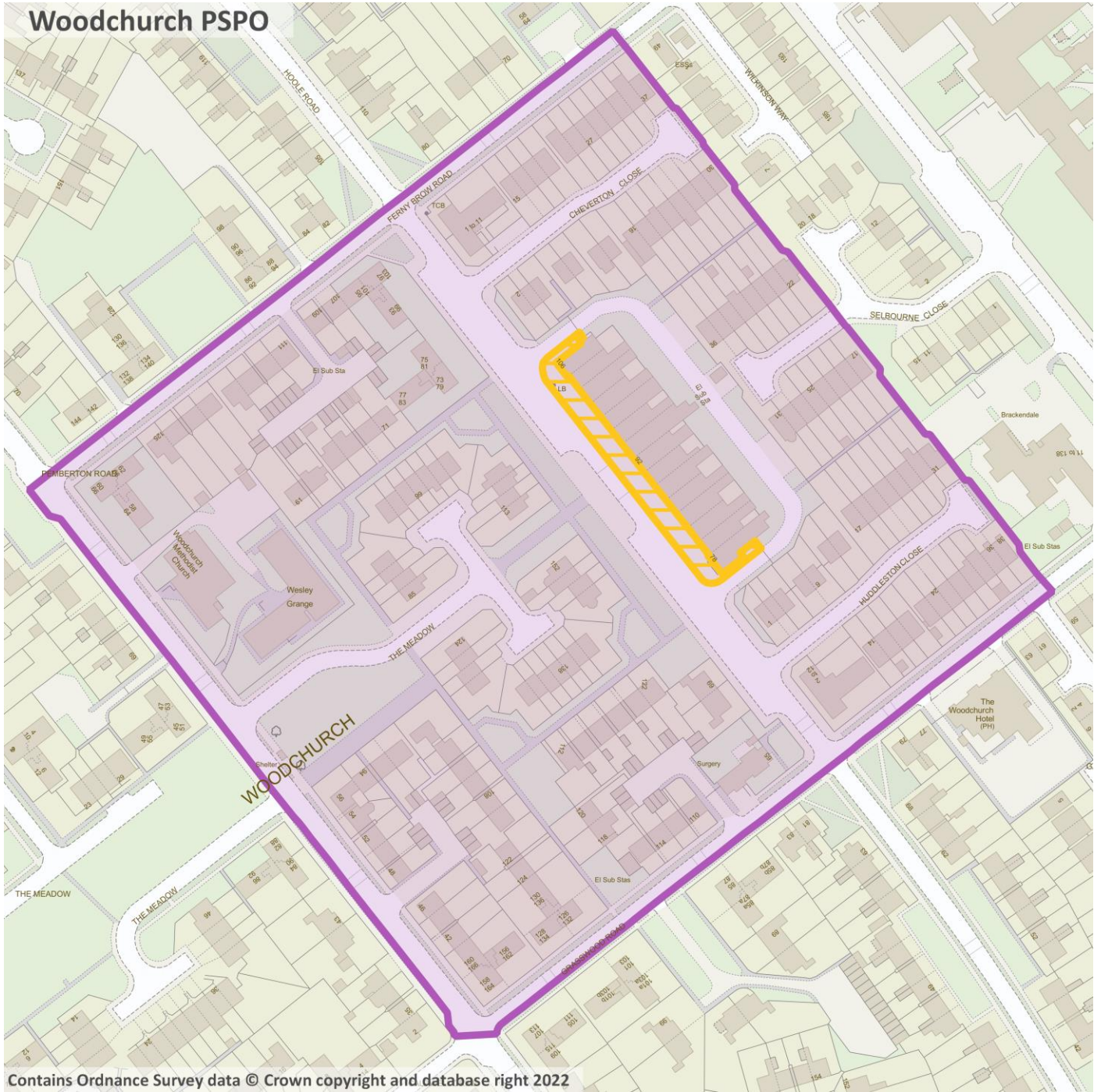
A Police Officer or an authorised person who imposes a requirement pursuant to this prohibition must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

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.

4. No person shall wear anything in any open public space within the Restricted area which covers any part of that person’s face. This does not include face coverings worn for religious reasons or for health reasons relating to an existing medical condition or vulnerability or required by law.
5. No person shall ride a bicycle, scooter or other wheeled vehicle on the paved area adjacent to the shops on Hoole Road, shaded yellow on the map, within the Restricted area at any time. This prohibition does not apply to any person who requires the use of such a vehicle to address any mobility issues.

Note: In this section “authorised person” and “authorised officer” means a person authorised by Wirral Borough Council (or authorised by virtue of section 69(1) of the Act to enforce Orders made pursuant to Chapter 2 of Part 4 of the Act.

Woodchurch PSPO



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Dated:

**THE COMMON SEAL OF
WIRRAL BOROUGH COUNCIL**
was hereunto affixed in the presence of

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HEAD OF LEGAL SERVICES