

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59
PUBLIC SPACES PROTECTION ORDER

THE CAMBRIDGE CITY COUNCIL, Cambridge PUBLIC SPACES PROTECTION
ORDER 2016

THIS ORDER is made by Cambridge City Council ("the Council") because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space in Cambridge shown coloured red on the attached map (the Public Spaces):

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality
- Are or are likely to be unreasonable and
- Justify the restrictions imposed

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

Touting for tours and punt hire

RESTRICTIONS:

You are prohibited from advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within the Public Spaces.

EXCEPTION

The prohibition does not apply to Quayside, Silver Street, Trinity College frontage at Garret Hostel Lane, Queens Green, walkway from Quayside to Jesus Green (La Mimosa) **provided that** the following conditions are met:

1. The touting is carried out by or on behalf of a punt operator whose vessels are licenced for commercial purposes by the Conservators of the River Cam (the Conservators) **and**
2. The touting is for punt tours or punt hire from one of the 6 punt stations recognised by the Conservators, Granta Mill Pond, Mill Pit west, Mill Pit east, Trinity College, Quayside or La Mimosa and the operator can demonstrate that they have the permission of the landowner or occupier to use that punt station

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 16 May 2016 and lasts until 30 April 2019

At any point before the expiry of this 3 year period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

1. 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 city council enforcement officer may issue a fixed penalty notice to anyone he or she believes 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 £75. 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, for instance consultation, 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.

Dated.....

The Common Seal of
Cambridge City Council
was affixed in the presence of

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Head of Legal Services

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