



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

### HEREFORDSHIRE COUNCIL - PUBLIC SPACES PROTECTION ORDER

#### GARRICK MULTI STOREY CAR PARK

This Public Spaces Protection Order shall come into effect on 1<sup>st</sup> May 2022 for a period of three years.

Herefordshire Council ("the council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers being satisfied that the conditions set out in Section 59 of the Act have been met and hereby makes the following order:

1. This order relates to the public space known as Garrick Multi Storey Car Park Garrick Street Hereford HR4 9HG marked within the area edged black on the plan, attached as Appendix 1, being a public space in the Council's area to which the Act applies.
2. The Council is satisfied that the three conditions below have been met, in that:-
  - a) Activities carried out in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect.
  - b) The effect, or likely effect or the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
  - c) The restricted behaviour is, or is likely to be unreasonable.
3. **Authorised Officer**

In this Order "an authorised officer" means an authorised officer of the council, a police officer, a police community support officer or an officer accredited under the community safety accreditation scheme as designated by the council.

#### **4. Prohibitions**

**4.1** The effect of the Order is to impose the following prohibitions and/or requirements at all times:-

The activities which are to be prohibited are the use of a motor vehicle, or creation of noise from a motor vehicle, or behaviour by a person in a way likely to cause nuisance or annoyance to a member of the public, or a risk of harm, damage or injury to a person or property.

Therefore the following Restrictions apply in the Restricted Area:

**4.2** No person being a driver of, or in control of a motor vehicle in any part of the

Restricted Area, shall:

- Rev (i.e. accelerate, whilst the vehicles clutch is disengaged) an engine of a motor vehicle;
- Suddenly or rapidly accelerate a motor vehicle;
- Race with any other motor vehicle;
- Leave the engine of a motor vehicle running on idle other than when queueing to park or depart;
- Perform any motor vehicle stunts;
- Sound a horn repetitively; or a Play music audible outside of the motor vehicle
- Making noise to a level that causes a public nuisance

**4.3** No person in any part of the Restricted Area shall:

- Use behaviour towards another person reasonably perceived to be threatening, aggressive or intimidating;
- Use foul or abusive language;
- Gather or loiter with any other person(s) in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public;
- Use any part of the Restricted Area for skating (whether using in-line or roller skates), skateboarding or playing ball games;
- Use any part of the Restricted Area for cycling or using a scooter or electric scooter in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public;
- Use any part of the Restricted Area for climbing on walls, railings, roof etc. in a manner which is (or may reasonably be perceived as) intimidating or threatening to

any other member of the public; or could in any way be reasonably perceived as endangering their own safety.

- Use any part of the Restricted Area for throwing any item in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public;
- Use any part of the restricted area for engaging in the taking or smoking of drugs, urinating, defecating, setting off fireworks, lighting fires, interfering with or damaging the car park infrastructure, sleeping, littering, fly tipping and misusing the lifts.

**5. Consequences of Failure to Comply with this Order**

It is an offence under section 67 of the Act for a person, without reasonable excuse, to breach any of the Restrictions and/or Prohibitions in paragraph 4.1, 4.2 or 4.3 of this Order and a person guilty of an offence under that section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000) or under section 68 of the Act an authorised officer detailed in paragraph 3 above may issue a Fixed Penalty Notice ("FPN") of £100 reduced to £50 if paid within 10 working days to anyone he or she has reason to believe has committed an offence under section 67. Failure to pay may lead to prosecution.

**6. Appeals**

In accordance with section 66 of the Act, an interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

**Appendix 1 - Map of area.**

Dated the 27<sup>th</sup> day of April 2022

THE COMMON SEAL of the COUNTY OF  
HEREFORDSHIRE DISTRICT COUNCIL  
was hereunto affixed BY ORDER

*Alice W. A. P. W.* Authorised Officer





LOCATION PLAN - Garrick Multi Storey Car Park



SCALE 1:1250

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