



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

Public Spaces Protection Order 2024 – West Kirby

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 West Kirby PSPO 2024.

2. Duration of The West Kirby PSPO 2024

- (i) The West Kirby PSPO 2024 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 West Kirby PSPO 2024, 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 West Kirby PSPO 2024 may be extended more than once.

3. The Restricted Area

This Order relates to the area edged red on the plan below (“the Restricted Area”) which is an area situated within the West Kirby Areas of the West Kirby and the Hoylake and Meols Wards within the administrative area of Wirral Borough Council, including the area known as Cubbins Green situated within the West Kirby Ward. This Order is applicable on all days.

4. Effect

- (i) The West Kirby PSPO 2024 comes into force on 28 October 2024 and expires at 4pm on 27 October 2027.
- (ii) The West Kirby PSPO 2024 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 West Kirby PSPO 2024.
- (iii) The prohibitions or requirements imposed by the West Kirby PSPO 2024 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 West Kirby PSPO 2024: 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 West Kirby PSPO 2024; or
 - b. to fail to comply with a requirement to which that person is subject under the West Kirby PSPO 2024.
- (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 West Kirby PSPO 2024.
- (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 West Kirby PSPO 2024.
- (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 West Kirby PSPO 2024: section 61 of the Act

- (i) Wirral Borough Council may, in appropriate circumstances, vary the West Kirby PSPO 2024 by increasing or reducing the restricted areas and/or by altering or removing a prohibition or requirement included in the West Kirby PSPO 2024, or by adding a new one.
- (ii) Wirral Borough Council may discharge the West Kirby PSPO 2024 at any time.

7. Challenging the West Kirby PSPO 2024: 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 West Kirby PSPO 2024, 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 West Kirby PSPO 2024, or any subsequent variation of it, or to include particular prohibitions or requirements imposed by the West Kirby PSPO 2024 (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 West Kirby PSPO 2024, or any subsequent variation of it.

(ii) Under section 66(3) of the Act any application to challenge the validity of the West Kirby PSPO 2024, 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 West Kirby PSPO 2024 is made, or the date on which any subsequent variation is made.

8. Prohibition

BY THIS ORDER:

1. Any person within any open public space in the Restricted Area who is in a gathering of 4 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.

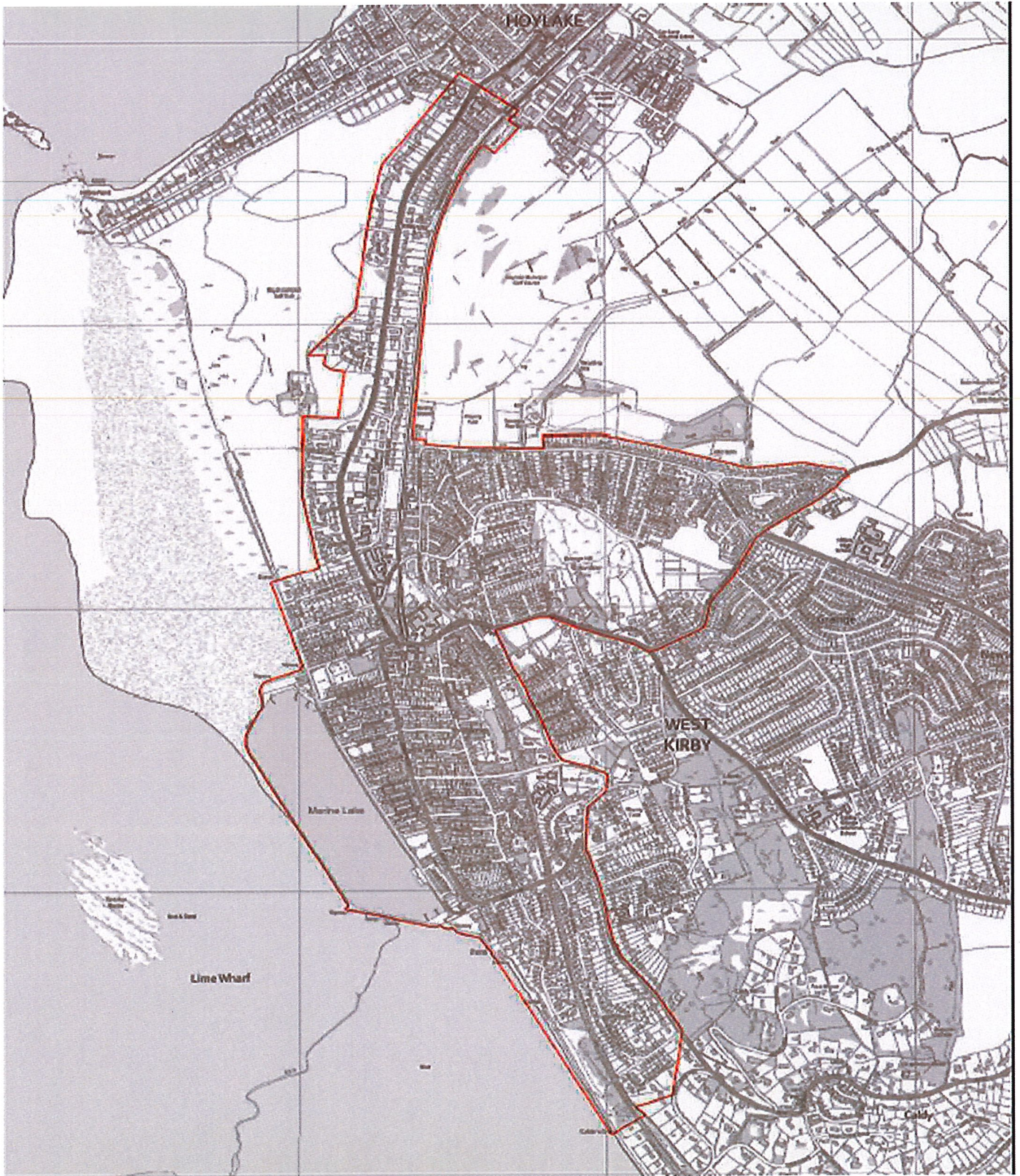
A Police Officer or an authorised person who imposes a requirement pursuant to this prohibition must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

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.

2. Any person who receives a requirement pursuant to the prohibition at 8 (1) above must not return to, enter or be in the Restricted Area at any time within 24 hours after receipt of the said requirement without reasonable excuse.

3. No person shall wear anything in any open public space within the Restricted area which covers any part of that person's face where the authorised officer reasonably believes doing so is an attempt to conceal their identity. This does not include face coverings worn for religious reasons or for health reasons relating to an existing medical condition or vulnerability, or otherwise required by law.

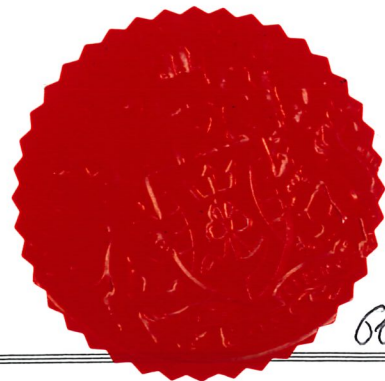
Note: In this section "authorised person" and "authorised officer" means a person authorised by Wirral Borough Council (or authorised by virtue of section 69(1) of the Act to enforce Orders made pursuant to Chapter 2 of Part 4 of the Act.



Dated: 17 October 2024

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

HEAD OF LEGAL SERVICES



660408