



Birmingham City Council (City Centre) Public Space Protection Order

Anti-Social Behaviour, Crime and Policing Act 2014 – Section 59

Public Space Protection Order

The Order shall come into force on xxxxx 2025 at 00.00hrs

If you do not obey the order you will be committing a criminal offence and may be prosecuted by the Council within a Magistrates' Court for an offence under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

THIS ORDER is made by Birmingham City Council (the Council) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, because the council is satisfied on reasonable grounds that there are activities, carried out or are likely to be carried out in a public space namely the area within and surrounding Birmingham City Centre shown outlined on the map attached (the restricted area) that have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. The effect or likely effect of these activities is of a persistent or continuing nature such as to make these activities unreasonable, and justifies the restrictions imposed in this order.

These activities include:

- Inconsiderate cycling, scooting / skateboarding in a high pedestrian area.
- Dangerous riding at speed in a pedestrian area.
- Using a bicycle or scooter that does not meet the construction and use regulations.

THIS ORDER PROHIBITS the following things being done in any public space in the restricted area

AND REQUIRES specified things to be done by persons carrying on specified activities in the Restricted Area.

Definitions

"Authorised Person" means a Police Constable, Police Community Support Officer or Council Officer, The Council Officer shall present their authority upon request (as long as it is practicable to do so)

"Restricted Area" shown outlined on the map attached.

Pedal Cycles, Skateboarding, manual scooters, E-bikes and E-scooters

- Any person entering the pedestrian zone, identified in the map attached, riding, cycling, skateboarding, riding a manual scooter or using an E-bike or E-scooter, within the restricted area must not ride in a dangerous careless or inconsiderate manner and/or in a manner that is likely to cause, harassment, alarm or distress to any pedestrian including but not limited to aggressive riding, riding at speed, weaving between pedestrians or performing stunts.
- The condition of the bicycle-/scooter must comply with **The Pedal Cycles (Construction and Use) Regulations 1983, The Electrically Assisted Pedal Cycle Regulations 1983 (as amended)** and **The Road Vehicle Lighting Regulations (1989)**.

Any person may push and walk alongside their bicycle, manual scooter, E-bike, or E-scooter through the defined area.

Exemption: An exemption will apply to any of the emergency services carrying out their duties where there is a necessity to ignore the PSPO, or a police community support officer or authorised officer of the council that is enforcing this PSPO.

THIS ORDER WILL BE IN FORCE FOR A PERIOD OF 3 YEARS AND WILL EXPIRE ON THE xxxxx 2028 AT 23.59HRS.

Right to challenge the validity of this order

An interested person may apply to the High Court to question the validity of this order. An interested person is someone who lives in, regularly works in, or visits the restricted area. An application must be made within the period of 6 weeks beginning with the date on which the Order is made. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

SIGNED

DATED

Duly Authorised Officer

Director of City Operations

City Operations Directorate

SIGNED

DATED

Duly Authorised Officer

West Midlands Police

Any enquiry relating to this order may be made from 09.00 – 16.00 hours Monday to Friday at: tradingstandards@birmingham.gov.uk

Offence and Penalty on breach.

It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a PSPO ; or
- Fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, or other authorised person. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence or failing to comply with the PSPO).

