



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 1st XXXX 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 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:

- Street trading of goods and services
- Any peddling of goods and/or services
- Distribution of publicity materials/free literature/samples
- Charity or commercial subscription collectors
- Charity Cash or Digital Collections
- Obstructing the highway in connection with any of the above activities

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.

1) Street Trading

Any person is prohibited, at any time, from providing or offering to provide, or promoting goods or services (with or without payment) within the restricted area without an appropriate consent issued by the Council.

2) Peddling

Any person is prohibited, at any time, from peddling goods or services (with or without payment) within the restricted area. **For the avoidance of doubt, this prohibition applies whether or not a person has, and is acting in compliance with, a pedlars' certificate under the Pedlars' Act 1871**

3) Distribution of publicity materials/free literature/samples

Any person is prohibited from distributing any materials/free literature/samples whether for their own commercial gain, or for that of another person or organisation unless they have the appropriate prior permission of the Council.

Registered charities, religious organisations and distributors of leaflets for political purposes are exempt from this prohibition unless they carry out these activities in a manner that obstructs, or impedes the passage of any other person on, the highway (see Prohibition 6 below).

4) Charity or commercial subscription collectors

Any person is prohibited from soliciting for the completion of commercial or charity subscriptions without appropriate consent/licence for such subscription collection issued by the Council

5) Charity Cash or Digital Collection

Any person is prohibited from soliciting for cash or digital donation for commercial or charity gain without appropriate consent/licence for such collection issued by the Council.

6) Obstruction of the public highway

Any person is prohibited from obstructing, or impeding the passage of any other person on, the highway in connection with any of the above activities (whether or not they are exempt from the operation of one or more of the other provisions of this Order) without a lawful authority issued by the Council.

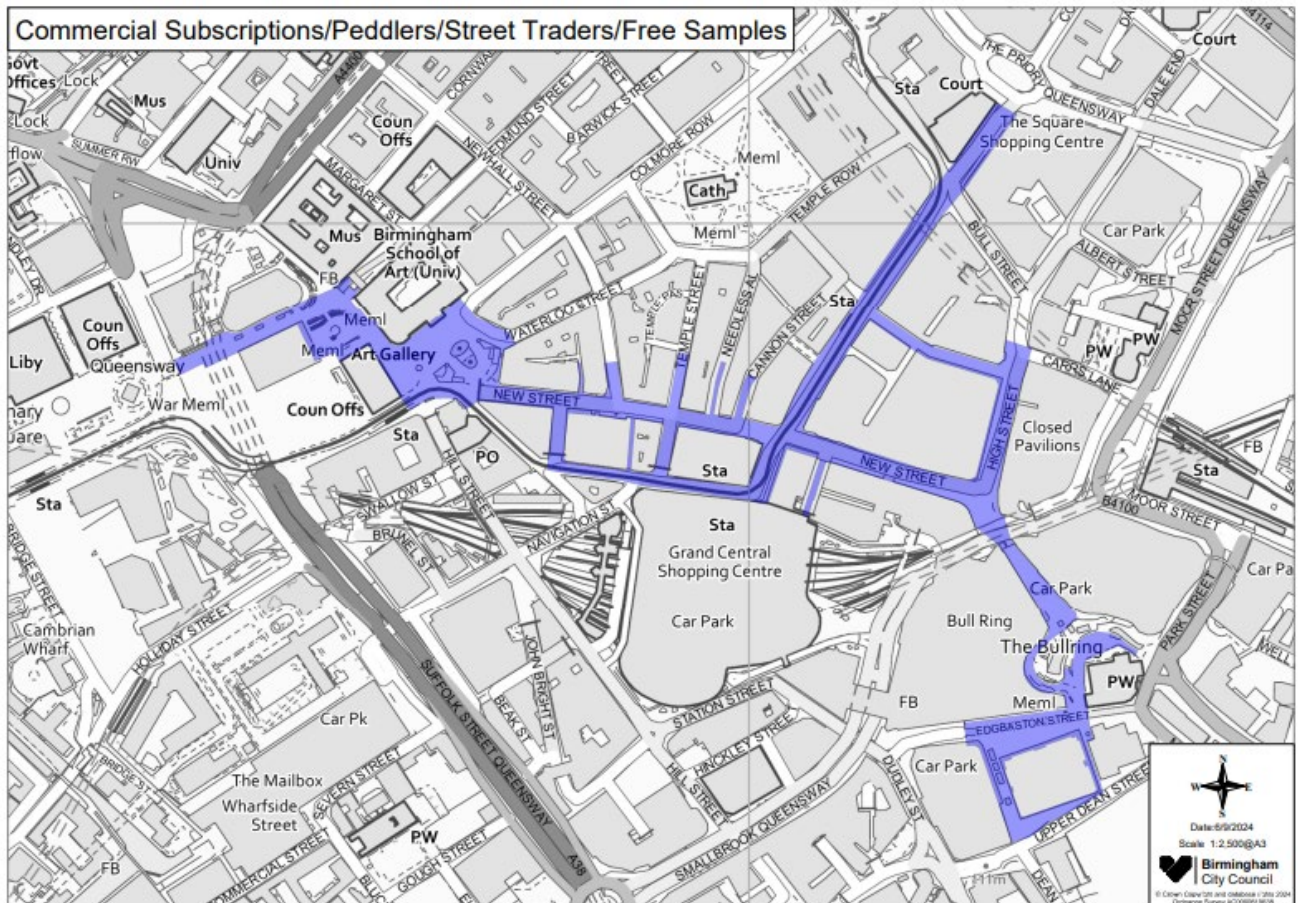
Definitions

"Authorised Officer" 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.

The **restricted area** covers all “public places” which means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes the public highway, private forecourts, and car parks.



THIS ORDER WILL BE IN FORCE FOR A PERIOD OF 3 YEARS AND WILL EXPIRE ON THE 01 XXX 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) was not complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the outcome of the challenge in part or in totality. The High Court has the power 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:

streetTrading@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).