

The Anti-Social Behaviour, Crime and Policing Act 2014
BIRMINGHAM CITY COUNCIL CONTROL OF NOISE ON THE STREET
(NEW STREET AND TEMPLE STREET)
PUBLIC SPACE PROTECTION ORDER 2022

This Order shall come into force on _____ at 00:00 hrs and for a period of three (3) years.

THIS ORDER is made by Birmingham City Council (“the Council”) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), because the Council is satisfied on reasonable grounds that there are a number of activities, carried out or likely to be carried out in a public space, within 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 by this order.

These activities include:

- 1) The use of amplified speakers for musical instruments and the playing of music and
- 2) The use of equipment for public address; unamplified musical instruments; other items used as musical instruments; noise associated with busking; entertaining and public speaking affecting residential dwellings in the restricted area:

- At an unreasonable noise level during the day, or
- At anti-social hours (after 20:00hrs and before 08:00hrs), and
- In a repetitive, recurring and static nature and/or
- By an individual or separately by individuals leading to an adverse cumulative noise impact on the residential properties.

Definitions:

“Authorised Person” means a Police Constable, Police Community Support Officer, Council Officer or an Officer working on behalf of the City Council, and must be able to present their authority upon request.

“Restricted Area” any public place within the areas outlined on the attached map.

“Amplification Equipment” microphones, speakers, loudspeakers, megaphones, loudhailers public address systems or any other similar equipment used for the amplification of

voice, music or pre-recorded audio-tracks, but not apparatus designed and used as an aid to defective hearing, as an aid for speech or speech replacement, or apparatus used where the sound is received through headphones, or apparatus whilst being used to undertake personal private communication.

THIS ORDER PROHIBITS the following things being done in the Restricted Area:

Amplification equipment, musical instruments or other items used as musical instruments

- a) A person is prohibited at all times from using amplification equipment to broadcast sound to third parties, musical instruments or other items used as musical instruments within the areas marked in green on the map of the restricted area.
- b) A person is prohibited between the hours of 20.00 hrs and 08.00 hrs from using amplification equipment to broadcast sound to third parties, musical instruments or other items used as musical instruments within the areas marked in orange on the map of the restricted area.

The above prohibitions do not apply to:

- i. anyone who holds a current street trading consent or written authorisation from The Council.
- ii. Emergency Response e.g. Police, Fire and Rescue Authority, Ambulance Services or Statutory Undertakers for the purpose of public safety and/or the prevention of crime and disorder.
- iii. warning or alarm sounds associated with vehicles and machinery to keep the public safe on the shared highway e.g. reversing signals.
- iv. Organised public processions in accordance with Public Order Act 1986.
- v. A political demonstration or a demonstration supporting or opposing a cause or campaign associated with a shop or business within the restricted area.

Penalty on breach (s67 of the Act)

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

- to do anything that the person is prohibited from doing by the PSPO, or
- to fail to comply with a requirement to which the person is subject under the 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).