

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Boston Town Centre- Public Space Protection Order (no 01/2024)

Boston Borough Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Boston Borough Council – Boston Town Centre - Public Space Protection Order (no 01/2024) and shall come into force on 25th September 2024 it shall expire at midnight on 24 September 2027, unless varied or discharged prior to that date.
2. This Order covers the following controls:
 - a. Exclusion of feeding any wild birds (including, but not limited to Gulls, Seagulls, Pigeons etc.) within the area outlined on the attached plan annexed at Appendix A below.
3. This Order applies to the land within Boston Town Centre, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "restricted area".
4. In this Order, "an authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes the Order on the basis it is satisfied that, without these controls, the activity likely to be carried out in the restricted area will continue having a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.
6. The Council may extend, vary or discharge this Order at any time. Varying the Order includes increasing or reducing the restricted area.

The Offence

A person shall be guilty of an offence if, at any time, he/she deposits feed or food items which is edible to wild birds, (including seeds, bread and grains), without reasonable excuse, within the designated area outlined in Appendix A, Boston Town Centre.

Penalty

As the offence would be a breach of a public space protection order, the council may issue a fixed penalty 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 of £100.

A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An authorised officer of the Council may issue a fixed penalty notice to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it coming into force. An interested person is someone who lives in, regularly works in, or regularly visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the order, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

THE COMMON SEAL of)
THE COUNCIL OF THE BOROUGH)
OF BOSTON was hereunto affixed this)
September 2024)
in the presence of:)

Authorised Signatory