

The Anti-Social Behaviour, Crime and Policing Act 2014
BIRMINGHAM CITY COUNCIL (CONTROL OF NOISE ON THE STREET) PUBLIC SPACE
PROTECTION ORDER 2025

This Order shall come into force on 15th August 2025 at 00:00 hrs and for a period of three (3) years and will expire on the 14th August 2028 at 23:59 hrs.

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.

Geographical Scope

This Order applies to the public spaces within the designated City Centre area. The extent of which is defined in the map annexed to this Order (Appendix 1)

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

A person is prohibited at all times from using amplification equipment, musical instruments or other items used as musical instruments within the restricted area.

These activities include but not limited to:

- 1) Noise associated with busking, street entertaining, street preaching and public speaking affecting people living, working or visiting residential dwellings and businesses within the restricted area.

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.

These 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, 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 shared highway e.g. reversing signals.
- iv. Organised public processions in accordance with the 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, or any other lawful protest.

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.

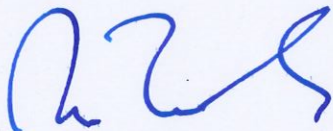
Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, or other authorised person. In making the decision to issue a FPN, the officer should consider that if issued, 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).

This Order shall come into force on 15th August 2025 and shall remain in effect for a period of three years, unless extended, varied or discharged by the Council in accordance with statutory provisions.

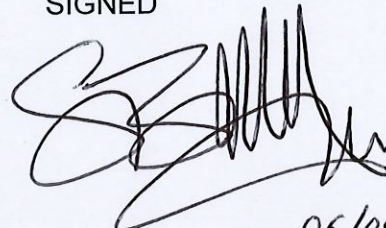
Given under the COMMON SEAL of BIRMINGHAM CITY COUNCIL on 6th day of August two thousand and twenty five.

The COMMON SEAL of Birmingham City Council was hereunto affixed to this Order in the presence of:

SIGNED


G. V. 25

SIGNED

 . 5521
06/08/25

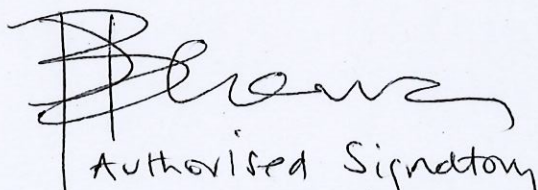
Duly Authorised Officer
Executive Director of City Operations Directorate

Duly Authorised Officer
Superintendent, West Midlands Police

Any enquiries relating to this Order may be made from 09.00-16.00 hrs Monday to Friday at:
Ehcitycentre@birmingham.gov.uk

160061

Signed for and on behalf of
Birmingham City Council


Authorised Signatory
Date: 06/08/25



Right to Appeal

You have the right to appeal against this Notice to the Birmingham High Court as appropriate within a period of 6 weeks beginning with the date of service of the Order by an interested person. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those directly affected by the restrictions have the power to challenge. This right to challenge also exists where the 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 the 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.

Where 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.

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 the 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 of failing to comply with the PSPO).

Public Space Protection Order map (Appendix 1)

Restricted area highlighted in blue

