

Draft PSPO - BURNLEY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59 PUBLIC SPACES
PROTECTION ORDER

Purpose

Burnley Borough Council in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

- Burnley Borough Council (referred to hereafter as “the Council”) hereby make the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within the area shown and edged red on the plan annexed to this order (the Prohibition Area) unless otherwise specified.

1.

a) Begging on the Street.

Any person on a street in the Prohibition Area is prohibited from, at any time, placing themselves in a position to beg or solicit money.

b) Those under 16 in the area 11pm - 5am

Any person in the Prohibition Area between the hours of 11pm and 5am being unable to provide evidence that they are over the age of 16 must be accompanied by responsible adult. If unaccompanied that person must leave the Prohibition Area within a reasonable time after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area.

c) Misuse of Skateboards and scooters.

Any person is prohibited from, at any time, using a skateboard, scooter or similar wheeled conveyance in an anti-social manner causing alarm, harassment and distress within the Prohibition Area shown edged blue on the plan.

d) People urinating or defecating in a public place.

Any person is prohibited from urinating or defecating in a public place (other than public toilets).

e) Unsolicited charity collection.

All fundraisers are prohibited from operating within the designated area unless they have agreed to abide by the relevant Burnley Council code of conduct and the institute of fundraising face to face activity code of fundraising practice.

2 Definitions

- a) Authorised Officer means a Police Constable, a Police Community Support Officer or an officer of Burnley Borough Council in possession of an authority to enforce this order.
- b) Plan means the plan annexed to this order.

3 Period for which the order has Effect

This Order shall come into force on and remain in place for a period of three years.

4 What happens if you fail to comply with this order?

If a person does anything that is lawfully prohibited by the this order, or fails to do something lawfully required by it, he commits an offence under section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 punishable by a level 3 fine being the sum of £1000 on the date of this order unless he has a reasonable excuse.

5 Dated 2015 Signed

Information and Guidance (not part of the order)

1. The overall aim of this order is to ensure our town centre remains a positive place for people shopping and working in the centre. This order would provide relevant agencies with the appropriate tools and powers to swiftly respond to anti-social behaviour and to encourage those who choose to continue to act in the ways outlined above to stop.

These interventions will include positive requirements and enforcement such as referrals to partner agencies specialising in drug and alcohol work, housing and benefit assistance, food banks, emergency accommodation, youth counselling or parental work. Fixed penalty notices may also be issued to offenders.

2. FIXED PENALTY

In cases of persistent behaviour a constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100, failing which they may be prosecuted.

Appeals

Any challenges to the creation of this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

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

- that the Council did not have power to make the order, or to include particular prohibitions or requirements;
- that one of the requirements of the legislation, for instance consultation, has not been complied with.

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