

Bolton Council

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

DRAFT PUBLIC SPACES PROTECTION ORDER: BOLTON TOWN CENTRE

This Order is made by Bolton Council (referred to hereafter as “the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Council is satisfied that there is anti-social behaviour of a persistent or continuing nature being carried out, or it is likely that such activities will be carried out within the area to which this order applies. This is having or it is likely to have a detrimental effect on the quality of life of those in the locality and the effect of these activities is of a persistent or continuing nature, such as to make the activities unreasonable. As such the council is satisfied that the conditions set out in the Act have been satisfied and that in all circumstances it is just and expedient to make this order.

The Council hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within Bolton Town Centre as shown edged in blue on the attached plan (“Prohibition Area”). This Order may be cited as the Bolton Town Centre Public Spaces Protection Order (the Order) and will come into force on xx.

1. PROHIBITED ACTIVITIES

The activities which are prohibited at all times by this Order are:

1.1 Consumption of alcohol on street

All persons are prohibited from, within the prohibition area, consuming alcohol or having an open alcohol container after having been requested by an authorised officer to cease consumption or hand over the container, unless subject to exemptions listed in section 5.

1.2 Intoxicating Substances

All persons are prohibited from, within the prohibition area, ingesting, inhaling, injecting, and smoking or otherwise use intoxicating substances.

1.3 Anti-social Behaviour

All persons are prohibited from, within the prohibition area, behaving in a way which causes or is likely to cause harassment, alarm or distress to a member or members of the public within the prohibition area.

1.4 Begging on the street

All persons are prohibited from, within the prohibition area, placing themselves in a position to beg or solicit money in the prohibition area.

1.5 Peddling / street trading

All persons are prohibited from, within the prohibition area, peddling / trading goods without an appropriate street trading license issued by the Council.

1.6 Soliciting for money in the street (commercial)

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment or the seeking of a standing order or direct debit authority) within the prohibition area unless they are in possession of a written authorisation from the Council.

1.7 Soliciting for money in the street (charity)

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment, seeking of a standing order or direct debit authority, or the selling of goods for a charitable purpose) within the prohibition area unless they are in possession of a written authorisation from the Council. Appropriate permissions to carry out cash collections in the prohibition area should be obtained from the council in advance.

1.8 Distribution of publicity materials

All persons are prohibited from selling or distributing any materials for commercial gain within the prohibition area unless they have the appropriate prior permission from the council. Registered charities, registered political parties, and religious organisations are exempt.

1.9 Obstructing the highway

All persons are prohibited from causing or permitting an obstruction on the carriageway of a street in the prohibition area after having been requested to remove the obstruction from the carriageway by an authorised officer. This includes A-boards and other forms of unauthorised street advertisement.

1.10 Marking of surfaces

All persons are prohibited from directly marking surfaces such as walls or pavements with paints, chalk or similar, within the prohibition area.

1.11 Use of amplifiers

All persons are prohibited from using a loudspeaker or amplification by electronic means on the public highway, within the prohibition area.

1.12 Use of skateboards and scooters

All persons are prohibited from, within the prohibition area, using a skateboard or scooter in such a manner that causes, or is likely to cause, danger or damage, or give reasonable grounds for annoyance or nuisance to another person.

1.13 Use of bicycles

All persons are prohibited from cycling / riding a bicycle within a specified part of the prohibition area (edged in red on Plan 1 and Plan 2).

2. DEFINITIONS

- 2.1 In this order public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or virtue of express or implied permission.
- 2.2 Authorised Officer means a Police Constable, a Police Community Support Officer or an Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.3 Intoxicating substances means substances with the capacity to stimulate or depress the central nervous system.
- 2.4 'Alcohol' has the meaning given by section 191 of the Licensing Act 2013.
- 2.5 Scooter means "conveyance consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground" or any other variation of the same designed or adapted for similar purpose, whether having a handle or otherwise.

3. PERIOD FOR WHICH THE ORDER HAS EFFECT

- 3.1 This order shall come into force on a date to be determined following consultation and remain in place for a period of three years, unless extended by further orders under the council's statutory powers.

4. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

- 4.1 It is an offence under the Act for a person without reasonable excuse to engage in activity that is prohibited by this order.

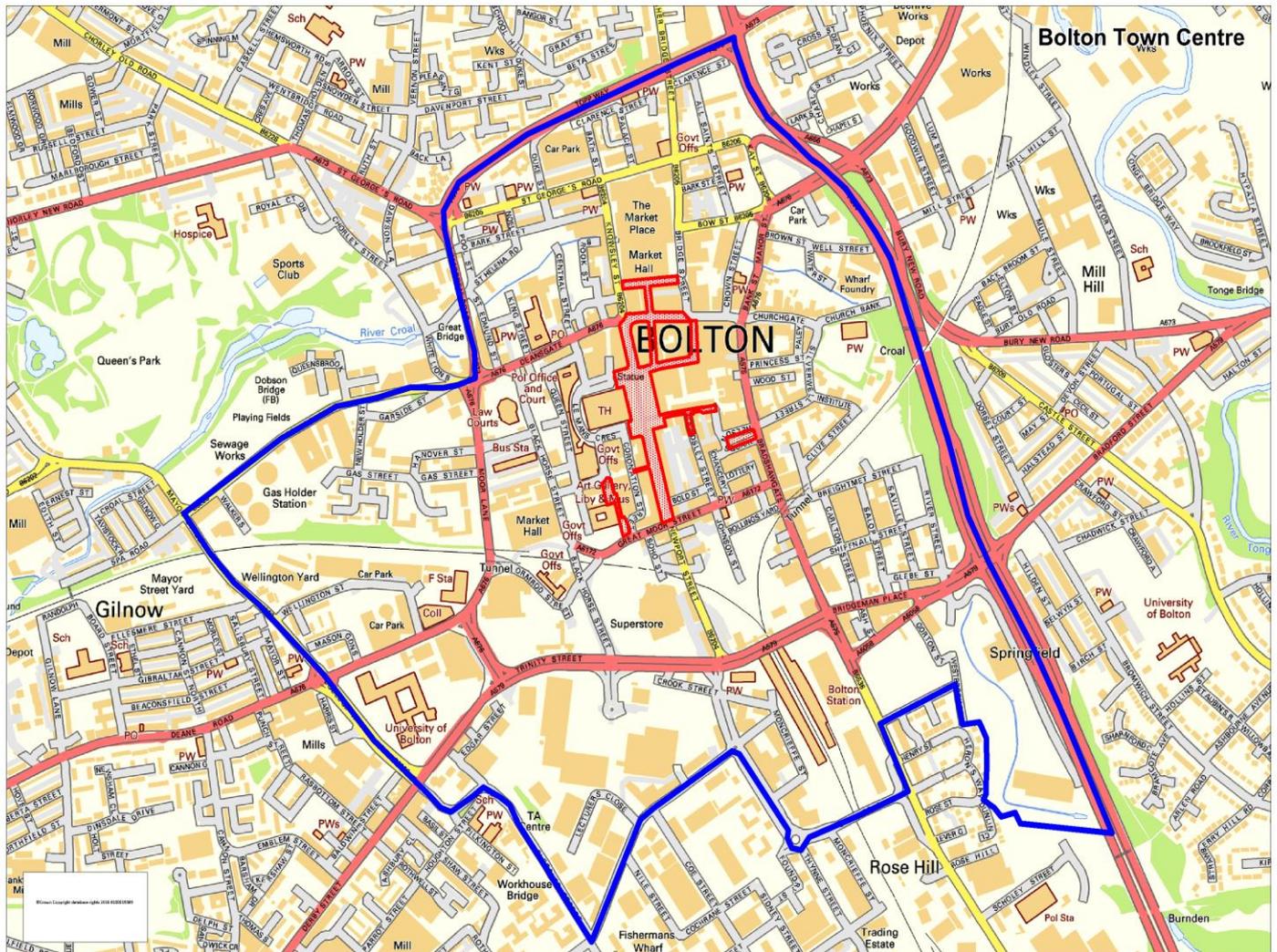
- 4.2 In accordance with section 63 of the Act, a person found to be in breach of this order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice (£100). In accordance with section 67 of the Act, a person found to be in breach of this order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice (£100).
- 4.3 Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a Police Officer, a Police Community Support Officer, council officer or other person designated by the council. In making the decision to issue a fixed penalty notice, the officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, if payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Public Spaces Protection Order).

5. EXEMPTIONS

- 5.1 Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises or public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of section 115E of the Highways Act 1980.
- 5.2 Prohibition 1.12; The use of skateboards and scooters does not apply to the dedicated skate park located at Great Moor Street (corner of Dawes Street).

6. PROHIBITION AREA: PLAN 1

- 6.1 Plan 1 highlights the boundary of the prohibition zone edged in blue, covering prohibitions 1.1 – 1.12 (inclusive). It also includes a secondary prohibition area edged in red, which only applies to prohibition 1.13 (use of bicycles).



7. PROHIBITION AREA: PLAN 2

- 7.1 Plan 2 highlights the secondary prohibition area edged in red, which only applies to prohibition 1.13 (use of bicycles).

