

**Blackburn with Darwen Borough Council - Town Centre and Townsmoor
Public Space Protection Order (PSPO) 2020**

Notice is hereby given that Blackburn with Darwen Borough Council (“the Council”) in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, proposes to make the following order:

1. Persons will not drink alcohol (unless in an otherwise lawful premises),
2. Persons will not ingest, inject, smoke or otherwise use intoxicating substances within the area marked red on the plan. *Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system or psychoactive substances - but does not include tobacco or prescription medication*
3. No persons shall urinate or defecate in any public place (other than a public toilet).
4. No persons shall, whilst in the Prohibition Area, place themselves in a position that implies they are begging for money or attempting to solicit.
5. No person shall, at any time, use a skateboard, bicycle, kick scooter or other similar wheeled conveyance in an anti-social manner, causing harassment, alarm or distress
6. No persons shall, at any time, use a skateboard or kick scooter within the area marked blue on the map, namely Cathedral Square.
7. No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person in a public space within the area marked red.

The draft of the proposed order is set out below. Further details and reasons for making the order may be inspected during normal office hours at the Community Safety Partnership office, Old Town Hall, Blackburn, by prior arrangements. The proposed order is also published on the Council’s website www.blackburn.gov.uk

If you wish to make representations concerning the proposed order, you should send them in writing to Community Safety Partnership, Floor L, Tower Block, Blackburn, BB1 7DY to arrive on or before [INSERT DATE] (please quote the name of the PSPO in your correspondence)

Please note that all representations may be considered in public by the Council and could become available for public inspection.

Dated this day [INSERT DATE]

**Blackburn with Darwen Borough Council - Town Centre and Townsmoor
Public Space Protection Order (PSPO) 2020**

This order may be cited as the Blackburn with Darwen Borough Council – Town Centre area Public Space Protection Order (PSPO) 2020

Blackburn with Darwen Borough Council (“the Council”), being satisfied that the conditions set out in Section 59(2) and 59(3) of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to the area as described in Schedule 1 of this order (“the area”), namely that activities in public spaces within the area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, hereby makes the following order which applies to any place to which the public have access within the area shown and edged red on the plan (the Prohibition Area) unless otherwise specified:

1. No persons shall consume alcohol or have an open alcohol container within the Prohibition Area after having been requested by an Authorised Officer to cease consumption of alcohol or hand over the container (unless in an otherwise lawful premises).
2. No persons shall ingest, inject, smoke or otherwise use intoxicating substances within the Prohibition Area.
3. No persons shall urinate or defecate in any public place (other than a public toilet) within the Prohibition Area.
4. No persons shall, whilst in the Prohibition Area, place themselves in a position that implies they are begging for money or attempting to solicit.
5. No person shall, at any time, use a skateboard, bicycle, kick scooter or other similar wheeled conveyance in an anti-social manner, causing harassment, alarm or distress within the Prohibition Area marked red on the plan.
6. No persons shall, at any time, use a skateboard or kick scooter within the area marked blue on the map, namely Cathedral Square.
7. No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person within a public space within the Prohibition Area.

Definitions

In this order

1. “ Authorised Officer” means a Police Constable, a Police Community and Support Officer or an Authorised Officer of Blackburn with Darwen Borough Council in possession of an authority to enforce this order.
2. “Intoxicating substances” means substances with the capacity to stimulate or depress the central nervous system or psychoactive substances. It does not include tobacco or prescription medication.
3. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003.
4. “Kick Scooter” means “ conveyance consisting of a footboard amounted 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 variation of the same designed or adapted for a similar purpose whether having a handle or otherwise.

SCHEDULE 1

The Prohibited areas are those indicated as shown on the attached map being: Any public space within the area marked red or blue on the attached plan.

SCHEDULE 2

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
2. Pursuant to s67 of the Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

The Order shall come into operation on [] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of Blackburn with Darwen Borough Council on theday of 2020

THE COMMON SEAL of the }
Blackburn with Darwen Council }
Was hereunto affixed }
In the presence of

Authorised Officer

