

**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 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. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003

3. “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.

**SCHEDULE 1**

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

.....day of ..... 2020

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

**Authorised Officer**

