

**Blackburn with Darwen Borough Council - Town Centre and Townsmoor
Public Space Protection Order (PSPO) 2023 First Extension
(under section 60 (2) of Public Space Protection Order (PSPO) 2015)**

This order may be cited as the Blackburn with Darwen Borough Council – Town Centre area Public Space Protection Order (PSPO) 2023 First Extension (hereafter referred to as Extension Order -1 2023)

ON 7th December 2020 The 2020 Order was made on the grounds that the Council was satisfied that the conditions set out in Section 59(2) and 59(3) of the Act had been met in relation to the Prohibition Area, namely that activities in public spaces within that 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.

AND he Council was also satisfied that the effect, or likely effect, of the activities was, or is likely to be, of a persistent or continuing nature, and these activities were unreasonable and justify the restrictions imposed by the notice and that it was in all the circumstances expedient to make the 2020 Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

This Extension Order -1 2023 is now made under section 60 subsection 2 of the Act because the Council is satisfied on reasonable grounds that an extension is necessary to prevent the occurrence or recurrence of the activities identified in the 2020 Order, or to prevent an increase in the frequency or seriousness of those activities after that 2020 Order expires. The effect of this Extension Order – 1 2023 is to extend the period for which the 2020 Order has effect.

The Council in exercise of its powers under Sections 60 (2) and 59 (2) and 59(3) of the Act and under all other enabling powers, make the following provisions of the Extension Order -1 2023 which apply to the Prohibition Area unless otherwise specified and to which the sanctions set out in Schedule 2 apply:

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

- a. “The Act” means the Anti-social Behaviour, Crime and Policing Act 2014
- b. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003
- c. “ 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.
- d. “The Council” means Blackburn with Darwen Borough Council
- e. “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.
- f. “The 2020 Order” means The Blackburn with Darwen Borough Council - Town Centre and Townsmoor Public Space Protection Order (PSPO) 2020
- g. “Extension Order -1 2023” means the Blackburn with Darwen Borough Council - Town Centre and Townsmoor Public Space Protection Order (PSPO) 2023 First Extension
- h. “The Prohibition Area” is defined in Schedule 1

SCHEDULE 1

The Prohibition Area is any publicly accessible place within the area shown edged red on the attached map.

SCHEDULE 2

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this Extension Order -1 2023.
2. Pursuant to s67 of the Act, a person found to be in breach of this Extension Order -1 2023. is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

This Extension Order -1 2023. shall come into operation on [] and shall have effect for a period of 3 years thereafter, unless extended further under the Council’s statutory powers.

Any interested person may question the validity of this Extension Order -1 2023 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 by making an application to the High Court within six weeks from the date in which the order is made.

