

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

RETFORD TOWN CENTRE PUBLIC SPACES PROTECTION ORDER 2019

Bassetlaw District Council ("the Council") has made the following Public Spaces Protection Order pursuant to Section 59 of Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") after undertaking a consultation as required by Section 72 of the Act.

The land described by the map in Schedule 1, edged in the thick black line, being land in the area of the Council is land to which the Act applies and is protected by this Order (hereinafter called the "Designated Area")

The Council is satisfied that activities have been carried out in the Designated Area that have had a detrimental effect on the quality of life of those in the locality. The Council is further satisfied that the effect of these activities is likely to be of a persistent and continuing nature, and is of such as to make the activities unreasonable and the effect of the activities justifies the restrictions imposed.

The Council makes this Order as people have been gathering in the Designated Area and acting in a manner causing annoyance, harassment, alarm and distress to those in the locality. The consumption by those acting in a manner which is causing the annoyance, harassment, alarm and distress of alcohol and psychoactive substances is a prevailing factor. The activities have caused those living and visiting the Designated Area to make complaints both to the Council and the Police.

The Council and the Police have also collated evidence from local residents and those who work in businesses situated in the Designated Area who state;

- public space is being misused
- there is a disregard for community/personal well being
- acts directed at people

The Order may be cited as the Retford Town Centre Public Spaces Protection Order 2016 and takes effect from **16 June 2019** for until **16 June 2022**

The following prohibitions are imposed on use of the Designated Area:-

1(a) - SHOUTING, SWEARING AND BEHAVIOUR CAUSING ANNOYANCE, HARASSMENT ALARM OF DISTRESS

- 1(a) No person or group of persons shall shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress to any person within the Designated Area or on land adjacent to the Designated Area or to any person living nearby.

1(b) – URINATION AND DEFECATION

- 1(b) No person shall urinate or defecate in the designated other than in a public toilet;

1(c) - PSYCHOACTIVE SUBSTANCES

- 1(c)(i) Person(s) shall not, within the Designated Area: ingest, inhale, inject, smoke or otherwise use psychoactive substances.
- 1(c)(ii) Psychoactive Substances (what are commonly referred to as 'legal highs') is once which is capable of producing a psychoactive effect in a person who consumes
- 1(c)(iii) a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly
- 1(c)(iv) a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way
- 1(c)(v) 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, caffeine, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by Food, Health and Safety legislation.
- 1(c)(vi) Persons within the Designated Area who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.
- 1(c)(vii) An authorised person could be; a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

OFFENCE

Any person who, without reasonable excuse, fails to comply with the prohibitions listed at paragraph 1(a), 1(b) and/or 1(c) of this Order commits an offence

PENALTY

A person who is guilty of an offence for contravention of the prohibitions listed at paragraph 1(a), 1(b) and/or 1(c) of this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale or to a fixed penalty notice not exceeding £100

2 - PROHIBITION OF ALCOHOL CONSUMPTION

- 2(i) Any person who, without reasonable excuse, continues consuming alcohol in the Designated Area when asked to cease doing so by a constable or an authorised person within the Designated Area commits an offence.
- 2(ii) Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so by a constable or an authorised person within the Designated Area commits an offence.

OFFENCE

Any person who, without reasonable excuse, fails to comply with the prohibitions listed at paragraphs 2(i) and/or paragraph 2(ii) of this Order commits an offence

PENALTY

A person who is guilty of an offence for contravention of the prohibitions listed at paragraphs 2(i) and/or paragraph 2(ii) of this Order shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale or to a fixed penalty notice not exceeding £100

MISCELLANEOUS PROVISIONS

A Police Officer, Community Support Officer and any other authorised person may dispose of any alcohol surrendered in compliance with paragraph 2(ii) of this Order

Pursuant to Section 62 of the Act paragraphs 2(i) and/or paragraph 2(ii) of this Order does not apply to:

- a. Premises authorised by a premises licence (and its curtilage) to be used for the supply of alcohol
- b. Premises authorised by a club premises certificate (and their curtilage) to be used by the club for the supply of alcohol
- c. Premises subject to a Temporary Event Notice which in compliance with the Temporary Event Notice may be used for the supply of alcohol and could have been used 30 minutes before that time
- d. A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of Section 115E Highways Act 1980 (highway related use)
- e. The Council operated licenced premises when the premises are being used for the supply of alcohol and 30 minutes after the end of the period during which the Council operated licenced premises have been used for the supply of alcohol

THE COMMON SEAL OF BASSETLAW DISTRICT COUNCIL

Was hereunto affixed this 12 day of June 2019

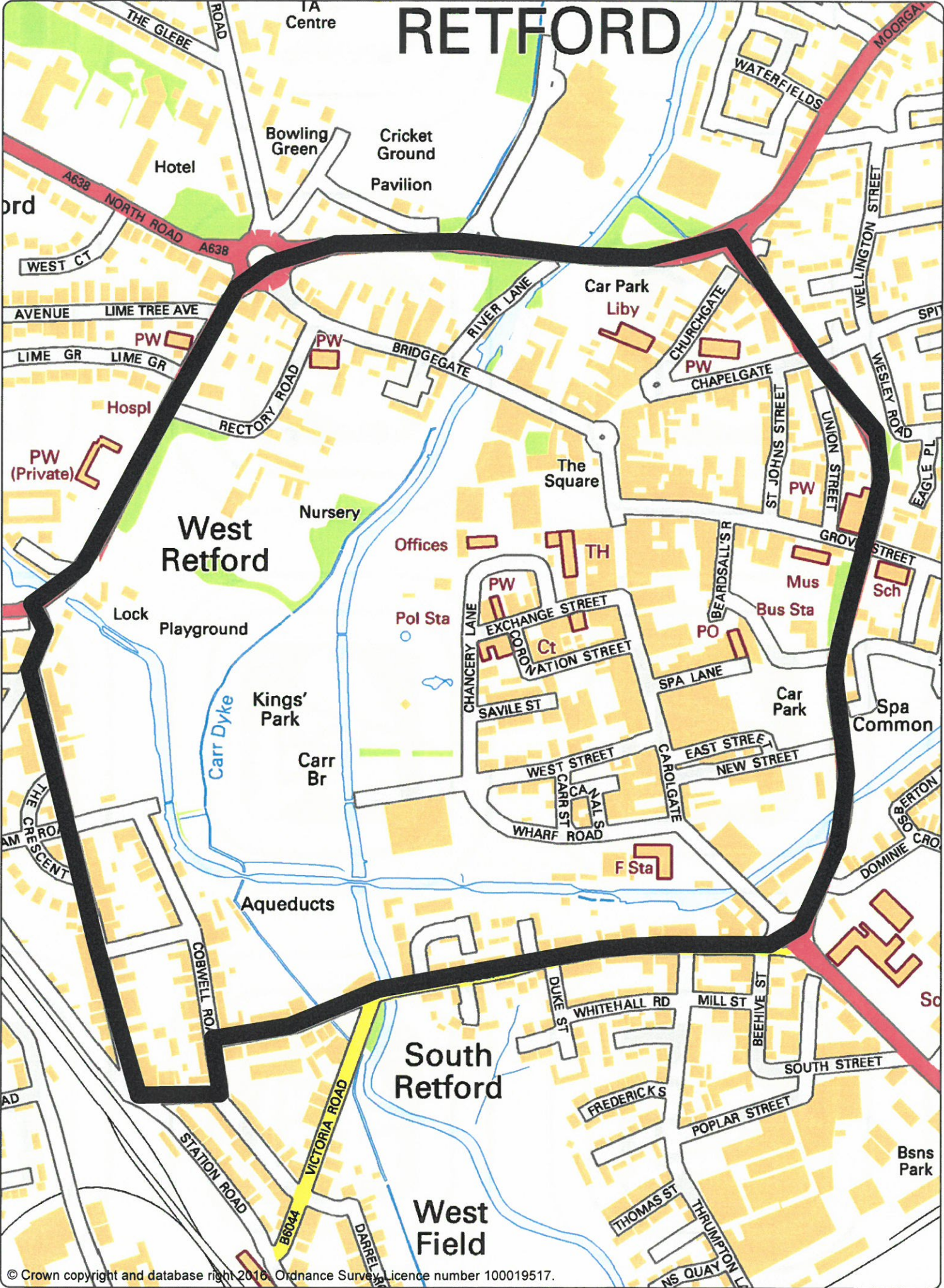
Two thousand and Nineteen

In the presence of



Stephen Brown
Head of Corporate Services





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