

## The Anti-social Behaviour, Crime and Policing Act 2014

### The Public Spaces Protection Order North Devon Council 2020

#### BARNSTAPLE TOWN

North Devon Council (NDC) being satisfied that the conditions set out at section 59 (2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') are met and upon the following activities being carried on in a public place within the local authority's area:

- (i) the use of intoxicating substances
- (ii) urinating,
- (iii) acting in a manner that causes or is likely to cause a member of the public to suffer harassment alarm or distress,
- (iv) aggressive begging,

and upon NDC having undertaken the necessary consultation and the necessary publicity and the necessary notification as required by section 72 (3) of the Act HEREBY MAKES by virtue of section 59 of the Act a Public Spaces Protection Order ('PSPO') in the following terms:

Any person within the PSPO area [being the area marked on the maps in Schedules One and Two] whilst situated in the street or other public space where the public have access without payment shall:

1. **Surrender any intoxicating substance in their possession when requested to do so to an authorised person if:**
  - a) **They are found to be ingesting, inhaling, injecting or otherwise using an intoxicating substance or substances, or,**
  - b) **They are in possession of such an intoxicating substance or substance with the intent of using that substance within the PSPO area.**
  - c) **The authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance or substances within the said area.**

**Note 1:** *Intoxicating Substance is given the following definition (which includes alcohol and 'new psychoactive substances' 'substances with the capacity to stimulate or depress the central nervous system'. 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 or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substance when alcohol falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such. Section 63 (1) and (2) of the Act provides that where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol or intends to consume the alcohol in breach of this prohibition, that constable or authorised person may require the person not to consume the alcohol or to surrender the alcohol or container for alcohol to that constable or authorised person. Upon being provided with evidence that the constable or authorised person has the appropriate authorisation, a person who fails to comply with the requirement of the constable or authorised person shall commit an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A constable or an authorised person may dispose of anything surrendered in whatever way he or she thinks appropriate.*

**Note 2:** *An authorised person shall be a Police Constable, Police Community Support Officer or authorised NDC Officer, who must be able to present their authority upon request.*

## **2. Not to urinate in a street or public Place**

*The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment. Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by North Devon Council and with its agreement*

## **3. Not to behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment alarm or distress by that behaviour.**

**Persons within this area who breach the above prohibition while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner as may be specified.**

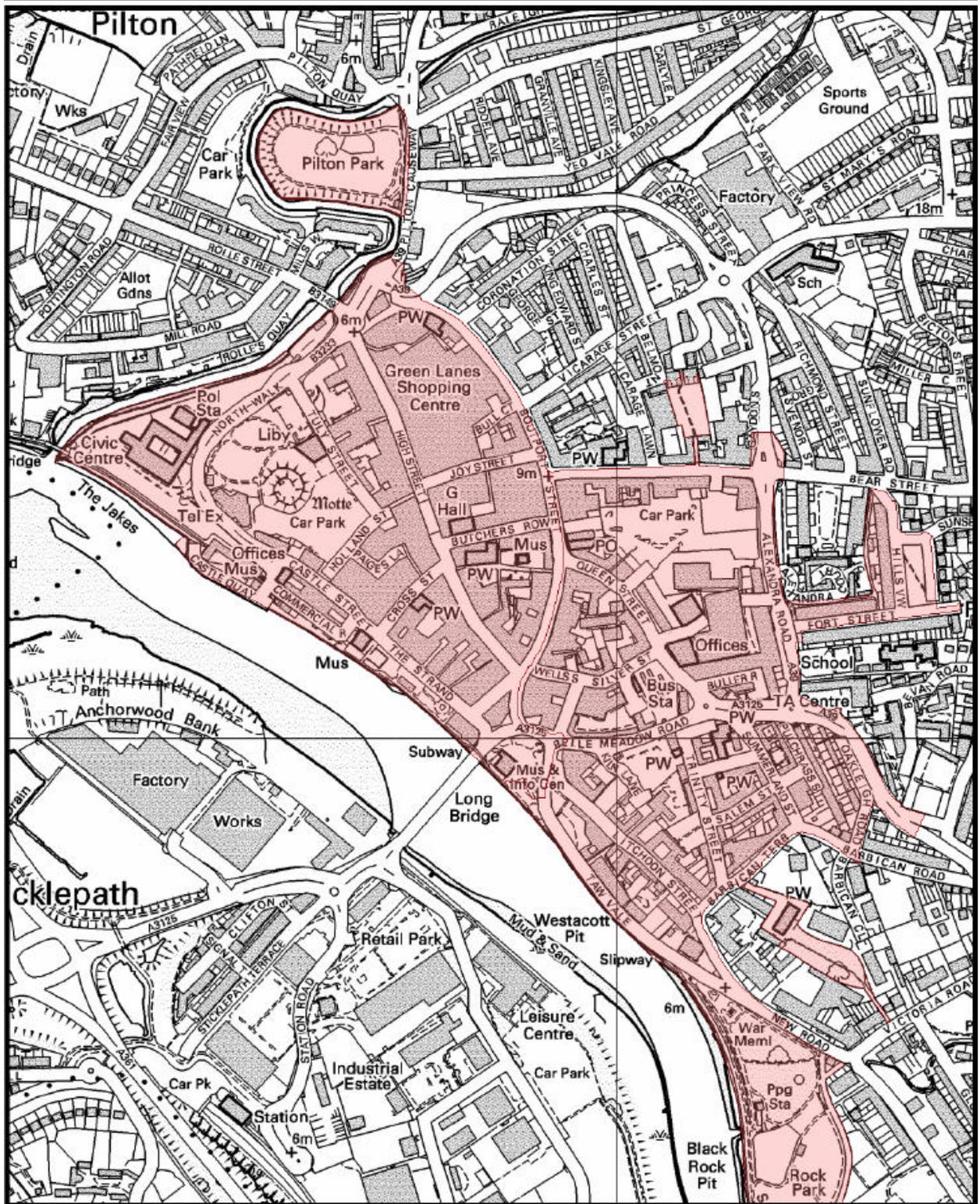
***Note:** The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 6 hours from the time that an authorised person orders persons in a group to disperse.*

## **4. Not carry out aggressive begging**

***Note:** "Aggressive begging" is defined as behaviour that a reasonable person would regard as intimidating and is designed to cause a member of the public to give money to a person not known to them. NDC would define the language as (1) clearly intimidating, i.e. through the use of threatening language or gestures or (2) intimidating by being passively aggressive such as standing or sitting within 5 metres of a cash machine, pay station or anywhere it is likely where an individual may expect privacy or feel vulnerable as their cash, bankcards, purse or wallet is on display.*

- It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by the PSPO or to fail to comply with a requirement to which the person is subject under the PSPO. By virtue of section 67 (2) of the Act a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice may be issued by virtue of section 68 (1) of the Act up to a current maximum of £100.
- The PSPO shall come into operation on the \*\*\*\*\* and shall have effect for a period of 3 years.
- Any person who lives in the area of the PSPO or who regularly works in or visits that area may apply to the High Court to question the validity of the PSPO if that person believes that the authority did not have power to make the order or that a requirement in the Chapter of the Act relevant to the PSPO was not complied with. This application under section 66 of the Act must be made within six weeks of the date the PSPO is made.

# Schedule One



## North Devon Drinking Orders

### Barnstaple Town Centre



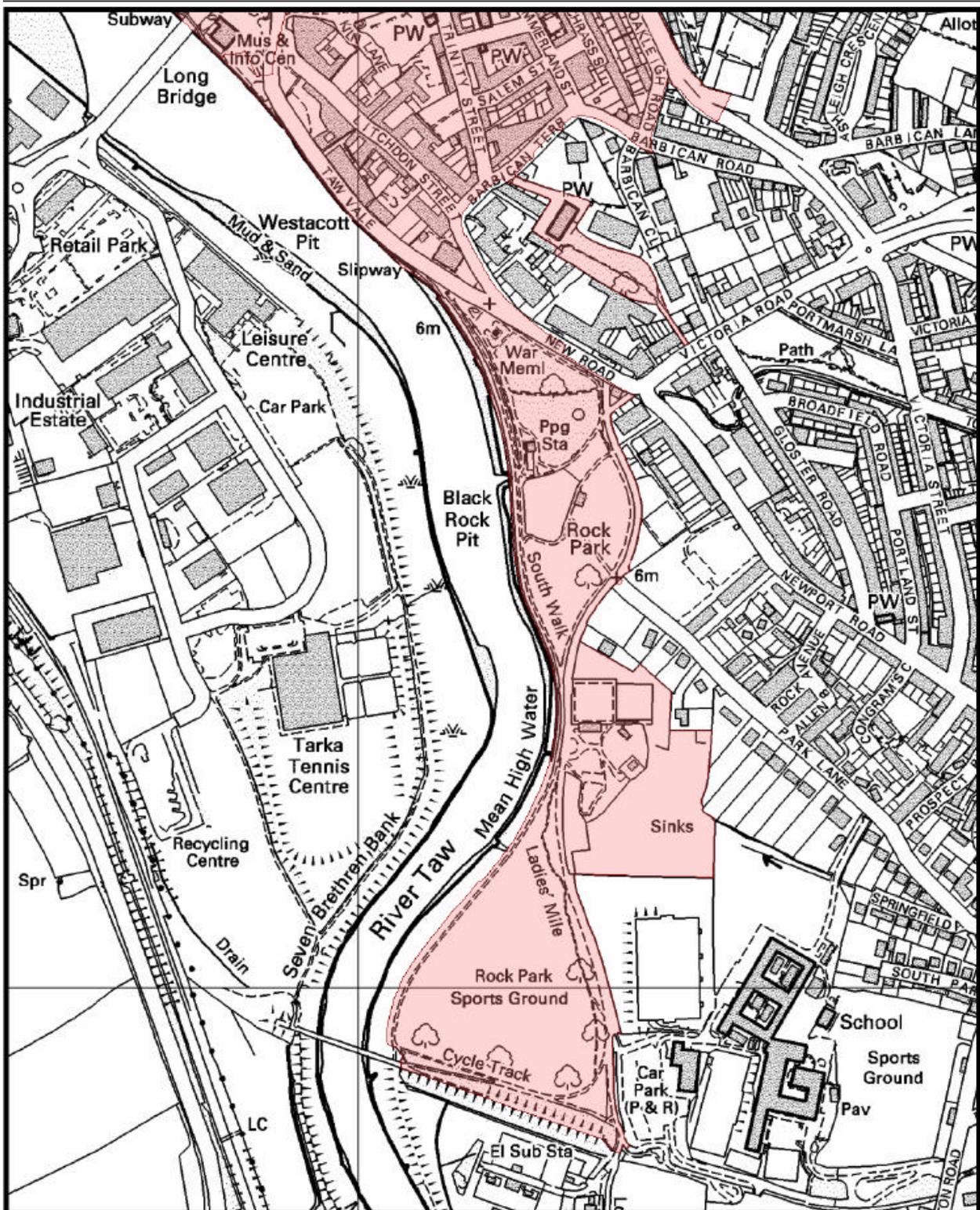
Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:6000

COPY SUPPLIED TO: Environmental Health DATE 15th April 2010

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# Schedule Two



## North Devon Drinking Orders

### Barnstaple South



Civic Centre, Barnstaple.  
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# Schedule One



Project:



Civic Centre, Barnstaple,  
EX31 1EA

## ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES (ILFRACOMBE) 2003

SCALE: NTS

COPY SUPPLIED TO:

DATE April 2003

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