

North West Leicestershire District Council

Anti-Social Behaviour, Crime and Policing Act 2014

Part 4, Section 59

Public Spaces Protection Order

Notice is hereby given that North West Leicestershire District Council (the "Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the "Act") proposes to make the following Order:

**Prohibition on consumption of alcohol and psychoactive substances in
Ashby de la Zouch**

1. Duration

This Order shall come into force on **INSERT DATE** and shall have effect for a period of three years thereafter, expiring on **INSERT DATE** unless extended by further orders under the Council's statutory powers.

2. The Restricted Area

This Order applies in Ashby de la Zouch to any land within the area edged red on the plan in the Schedule of Land that the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. Persons to whom this Order applies

This Order applies to all persons within the Restricted Area at all times of the day and night and includes persons inside motor vehicles within the Restricted Area.

4. The Activity

The Activity is the consumption of alcohol and/or psychoactive substances. The Council is satisfied that the Activity causes persons to engage in public nuisance and disorder and therefore has had a persistent detrimental effect on the quality of life of those in the locality, is unreasonable and justifies the restrictions being imposed.

5. Prohibitions

5.1 The Council hereby prohibits the Activity within the Restricted Area;

5.2 The Council also prohibits the possession of psychoactive substances within the Restricted Area.

6. Requirements

The Council hereby requires persons within the Restricted Area to surrender any and all items that may reasonably be deemed to be a psychoactive substance or associated paraphernalia to a police officer or Authorised Person for disposal.

7. Offences

7.1 Pursuant to section 67 of the Act, any person who fails, without reasonable excuse, to comply with this Order will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7.2 Consuming alcohol in breach of this Order is not an offence.

7.3 However, where a constable or an Authorised Person reasonably believes that a person (P) is, has been or intends to consume alcohol in breach of this Order, the constable or Authorised Person may require P not to consume the alcohol, or anything which the constable or Authorised Person reasonably believes to be alcohol and/or to surrender anything in P's possession which is, or which the constable or Authorised Person reasonably believes to be, alcohol or a container for alcohol.

7.4 A constable or an Authorised Person may dispose of anything surrendered under paragraph 7.3 in whatever way he or she thinks appropriate.

7.5 A person who fails, without reasonable excuse, to comply with a requirement under 7.3 (i.e. not to consume alcohol and/or to surrender anything believed to be alcohol or a container for alcohol) imposed on him or her by a constable or Authorised Person commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

8. Fixed Penalty Notices

8.1 A constable or Authorised Person may issue a fixed penalty notice up to £100 to anyone he or she has reason to believe has committed an offence in relation to this Order.

8.2 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

8.3 Failure to pay a fixed penalty notice may lead to prosecution.

9. Exemptions

This Order does not apply to premises as described in section 62 of the Act.

9. Definitions

For the purpose of this Order:

“Authorised Person” means a person authorised the Council

“Consumption” means drinking, ingesting, smoking, injecting, inhaling or otherwise consuming.

“Psychoactive Substances” has the same meaning as in s.2 of the Psychoactive Substances Act 2016 namely “any substance which –

- a) Is capable of producing a psychoactive effect in a person who consumes it, and
- b) Is not an exempted substance”

Laughing gas (nitrous oxide or balloons), khat, spice, and mephedrone are a non-exhaustive list of examples of psychoactive substances for the purposes of this Order.

10. Appeals

10.1 An interested person may apply to the High Court to question the validity of:

- a) this Order, or
- b) a variation of this Order

10.2 Any challenge to this Order must be made in the High Court by an interested person within six weeks of the Order being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area.

10.3 The grounds on which an interested person may apply to the High Court to appeal are that:

- a) the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b) a requirement under Chapter 2 of the Act was not complied with in relation to the Order or variation.

10.4 When such an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or totality. The High Court also has the power to uphold the Order or quash the Order.

The COMMON SEAL of
NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL was affixed to this
Order in the presence of:-)

Schedule of Land

