

Home > Residents > Planning environment and community > Crime and safety > Public space protection orders > Green spaces parks and cemeteries PSPO

Green spaces parks and cemeteries PSPO

Last Modified February 07, 2024



Blackpool Borough Council, in exercise of its powers under section 59 Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) and all other powers enabling it in this regard, being satisfied that the conditions set out therein, having been met hereby makes the following Public Space Protection Order (PSPO)

Definitions

- For the purposes of this order, the following definitions will apply:
 - 'Alcohol' has the meaning given by section 191 of the Licensing Act 2003
 - 'Authorised person' means a constable, a police community support officer or a person authorised in writing by Blackpool Borough Council; and
 - 'Public place' means any place to which 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
- Blackpool Borough Council is satisfied on reasonable grounds that the activities described below, carried out in a public place within its area have had, or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect of these activities:
 - a. Is, or is likely to be of a persistent or continuing nature
 - b. Is, or is likely to be, such as to make the activities unreasonable, and
 - c. Justifies the restrictions imposed by the order
 - The effect of this order is to impose the following prohibitions or requirements

Prohibited and required activities

Part 1: This section applies to all parks, green spaces and cemeteries identified and described in Schedule 1 “the controlled area”

Antisocial behaviour

- No person without a reasonable excuse shall act in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.
- No person previously warned under paragraph
- (3) shall refuse to leave any park, green space or cemetery within the controlled area when requested to do so by a police officer or authorised person

Overnight camping

- No person shall position any vehicle, caravan, tent or other temporary structures designed or intended to provide shelter or accommodation, for the purpose of an overnight stay.
- No person shall remain overnight in any vehicle, caravan, tent or other temporary structure designed or intended to provide

shelter or accommodation.

8. If instructed to do so by an authorised officer a person shall clear away any vehicle, caravan, tent or other temporary structure and/or associated paraphernalia immediately.

Use of illegal drugs or psychoactive substances and misuse of alcohol

9. No person in the controlled area will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system) or possess any item used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case

10. Persons in breach of paragraph 8, shall stop consuming and surrender any such substance in their possession when asked to do so by an authorised officer

11. To prevent public nuisance or disorder, no person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) believed to contain alcohol when required to do so by an authorised officer.

12. The requirements of paragraph 11 shall not apply to alcohol consumed within premises licensed under the Licensing Act 2003 or s.115E of the Highways Act 1980.

Harassment, alarm, distress or vandalism

15. An authorised person may require an individual, or a group, within the controlled area to leave the controlled area, where he reasonably suspects that that individual or any person within that group is causing or likely to cause nuisance or disorder, or harassment, alarm or distress to any other person.

16. An individual or group required to leave the controlled area by an authorised person is:

1. Prohibited from remaining within the controlled area, and
2. Required to leave that area immediately, and
3. Prohibited from returning to the controlled area within 24 hours of being required to leave

17. A person is prohibited from marking any surface within the controlled area with any form of unauthorised graffiti.

18. Where an authorised person reasonably suspects that a person is using or is likely to use any item to mark any surface with unauthorised graffiti, he may require the person to surrender that item to him.

19. A person required by an authorised person to surrender any item must do so immediately

20. A person is prohibited from defacing or damaging fixtures, furniture or other items (such as trees, bushes or plants)

Part 2: This section applies to the areas shown hatched red in the maps shown in schedule 2

Dogs on leads near council owned bodies of water

21. A person in charge of a dog in any area shown hatched red in schedule 2 must keep that dog on a lead unless they can show that:

- a. They have a reasonable excuse for doing so
- b. The owner, occupier or other person or authority having control of the land has consented in writing to them failing to do so.

Penalties for non-compliance

Offences

22. If, without reasonable excuse, a person is found to be in breach any of the prohibitions or requirements in respect of activities above, they will commit a criminal offence for which the maximum penalty upon summary conviction in the magistrates' court is a fine not exceeding level 3 on the standard scale.

23. In respect of activity in relation to paragraph 11 above, it is an offence if a person fails, without any reasonable excuse, to comply with an authorised person's request. An authorised person who imposes a requirement under paragraph 11 must tell the person that

failing without reasonable excuse to comply with the requirement is an offence.

24. In the event of such a failure, a person will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

This order shall come into effect at midnight on the.

This order shall have effect for a period of 3 years until midnight

Given under the Common Seal of The Borough of Blackpool on the
The Common Seal of Blackpool Borough Council was hereunto affixed in the presence of:
Authorised Signatory

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Blackpool Council

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