

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDER (BLACKPOOL BOROUGH
COUNCIL)

TOWN CENTRE AND PROMENADE 2018

Blackpool Borough Council in exercise of its powers under section 59 of the 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

1. 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.

2. The original PSPO being sealed on 10 November 2015, Blackpool Borough Council is now satisfied that this PSPO shall be extended in terms as set out below. This decision having been made following further consultation, between 7 June 2018 and 30 July 2018; publication of the consultation and notification as is required and is satisfied that the activities listed below are taking place within the restricted area (the Land outlined in red on the attached map in Schedule 1) include:

- Consumption of alcohol in a public place (So-called 'Street Drinking')
- So-called 'Gag Mag' sales
- The sale of Lucky Charms & Heather
- The Use of any Psychoactive Substances
- The act of begging as a means of appropriating monies, food or other goods in places where the public have access on payment or otherwise
- Participating in or engaging others in Card Tricks
- Pedlars Using and Displaying Goods on Inappropriate Sized Trolleys
- Glass Products being Used and Discarded on the Beach
- Street Performers causing Nuisance and or Obstruction
- Unauthorised Charity Collections and or so called Awareness Campaigns

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3. Blackpool Borough Council is further satisfied that the activities referred to in paragraph 2 above are having or are likely to have a detrimental effect on the quality of life of those in the locality and it therefore makes this Public Spaces Protection Order, the terms of which are explained below.

Prohibited and Required Activities

4. Unless otherwise stated, the prohibitions and requirements detailed in parts A to J below shall apply at all times of the day and all days of the week throughout any calendar year throughout the entirety of the restricted area.

A — Drinking in a public place

5. All persons are prohibited from drinking alcohol in any public place located within the restricted area. This provision does not apply to alcohol consumed within premises licensed under the Licensing Act 2003 or s.115E of the Highways Act 1980.
6. Where an authorised person reasonably believes that a person is consuming alcohol or has been consuming alcohol in contravention of this Order; or where an authorised person reasonably believes that a person intends to consume alcohol in circumstances which would be a contravention of this Order, then the authorised person can take steps to:
 - a) Prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order; and
 - b) Require that person to surrender any alcohol, or anything which the authorised person reasonably believes to be alcohol, that is in the person's possession, including any container for alcohol.

B — So-called 'Gag Mag' sales

7. All persons are prohibited from selling, offering to sell, exposing for sale any publication or asking for any donation for any such publication, unless:

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- a) They are a registered newspaper seller;
- b) They are an authorised seller of the 'The Big Issue'; or
- c) They have prior written authorisation from Blackpool Borough Council

C — Sale of Lucky Charms and Heather

8. All persons are prohibited from selling, offering to sell, exposing for sale any 'lucky charm', 'lucky heather' or any other article purporting to bring 'good luck', or asking for a donation for any 'lucky charm', 'lucky heather' or any other article purporting to bring 'good luck'.

D — Psychoactive substances

9. All persons are prohibited from ingesting, inhaling, injecting, smoking or being under the influence of any substance which has the capacity to stimulate or depress the central nervous system, in a manner that causes or is likely to cause nuisance, harassment alarm or distress to any member of the public.

This prohibition does not apply where the substance is prescribed to the affected person by a medical practitioner.

E - Begging

10. All persons are prohibited from loitering in any public place, or any place to which to public have access on payment or otherwise for the purposes of begging. For the purposes of this prohibition, loitering means 'standing, sitting, approaching people they do not know or waiting around without apparent purpose'. Begging is not limited to approaching people and/or asking for money, food or other things, or placing a receptacle for donations.

F — Participating in or engaging others in Card Tricks

11. All persons either alone or in concert with others are prohibited from delivering, engaging or offering to deliver or engage in, any card tricks or similar activities for the purposes of gaining monies or other consideration from members of the public.

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G – Pedlar Trolley sizes

12. Any person acting as a pedlar, is prohibited from using or utilising any trolley barrow, receptacle or other any other item used for the transportation and or display of goods with a carrying capacity in excess of 1 cubic metre. The overall unit not to exceed 2.1m along its longest side. The displaying of goods over a height of 1.5m from floor level is prohibited.

H – Glass products on the Beach.

13. All persons are prohibited from possessing, using or taking any glass receptacle or container onto the Beach or Sea Defence Wall.

I – Street Performers

14. All persons are prohibited from performing or partaking in any street performance of any description without having written consent from Public Protection Department of Blackpool Borough Council

J- Charity and or Awareness campaigns

15. All persons are prohibited from taking pledges and or selling, offering to sell, exposing
for sale any item whatsoever which purports to support any charitable cause or any cause intended to raise awareness of any charity, issue or any matter without having the written consent from the Licensing Department of Blackpool Borough Council.

This prohibition does not apply to:

- Members of the Public Fundraising Regulatory Association acting in accordance with the management agreement in respect to Church Street and Victoria Street.
- Anyone operating under the authority of a valid street collection permit issued under section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916

Penalties for Non-Compliance

Offences

16. If, without reasonable excuse, a person is found to be in breach any of the prohibitions or requirements in respect of activities B-J 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.

17. In respect of activity in relation to A above, namely the consumption of alcohol in a public place, whilst it is not an offence in the same way as activities B-J, it is an offence if a person fails, without any reasonable excuse, to comply with an authorised person's request as per paragraph 6 (a) & (b) above. An authorised person who imposes a requirement under paragraph 6 (a) or (b) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

18. 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 10th November 2018.

This Order shall have effect for a period of 3 years until midnight on 9th November 2021

GIVEN under the Common Seal of The Borough of Blackpool on the 9th day of November 2018

The Common Seal of Blackpool Borough
Council was hereunto affixed in the presence of:

Authorised Signatory



Schedule 1

1. Map of restricted area







