

LANCASTER, MORECAMBE & HEYSHAM PUBLIC SPACES PROTECTION ORDER 2021

Lancaster City Council (“the Council” has made the following Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”)

The land described by the maps in Schedule 1-5 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”).

This Order may be cited as the Lancaster, Morecambe & Heysham Public Spaces Protection Order 2021 and came into force on **** for the duration of 3 years.

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

SHOUTING, SWEARING AND BEHAVIOUR CAUSING ANNOYANCE HARRASSMENT ALARM OR DISTRESS

1. No person or groups of 2 or more persons shall allow their actions 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.

OFFENCE

2. It is a criminal offence for a person without reasonable excuse to breach this prohibition

PENALTY

3. On summary conviction, the court may impose a fine of up to £1,000 (Level 3 on the standard scale.)

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

PROHIBITION OF ALCOHOL CONSUMPTION

4. The Order prohibits the consumption of alcohol within the Designated Area so as to cause, or be likely to cause, nuisance or annoyance to any other person.
5. The Order excludes certain premises from the application of the prohibition where alcohol restrictions are already in place under licensing laws.
6. Where the constable or the authorised person who reasonably believes a person has been drinking alcohol, in breach of the prohibition, or intends to drink alcohol where to do so would be a breach, the officer may require the person: -

- a. not drink any alcohol, or anything the officer reasonably believes to be alcohol in breach of the prohibition; and/or
 - b. to surrender anything in their possession which is, or which the officer reasonably believes to be, alcohol or a container for alcohol.
7. There are certain safeguards on the imposition of the requirements including
- a. the person must be advised that failing without reasonable excuse to comply is an offence, and
 - b. if the authorised officer is not a constable, or police community support officer, the officer must produce evidence of their authority if requested.
- Anything surrendered may be disposed in whatever way the authorised person thinks appropriate.

The Breach of the prohibition on drinking is only an offence when an individual does not cease drinking, or surrender alcoholic drinks when required to do so, when challenged by an authorised constable or authorised person. In this way, officers can exercise discretion in each situation. Where there is no threat of anti-social behaviour, they need not challenge the individuals.

OFFENCE

8. It is a criminal offence for a person without reasonable excuse to fail to comply with a requirement to cease drinking or surrender alcohol in the Restricted Area.

PENALTY

9. On summary conviction, the court may impose a fine of up to £500 (Level 2 on the standard scale)
A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

INGESTION, INHALATION, INJECTION, SMOKING, POSSESSION OR OTHERWISE USE OF A PSYCHOACTIVE SUBSTANCE (e.g. NITROUS OXIDE) CAUSING OR LIKELY TO CAUSE HARASSMENT, ALARM, DISTRESS, NUISANCE OR ANNOYANCE

10. The Order prohibits the consumption, or possession of, a psychoactive substance within the Restricted Area. These substances are often referred to as "legal highs" and include nitrous oxide.
11. Where a constable or authorised person reasonably believes a person is, or has been consuming, or is in possession of a psychoactive substance, in breach of the prohibition, or intends to consume a such substance where doing so would be a breach, the officer may require the person not to consume the psychoactive

substance or anything which the officer reasonably believes to be such a substance; and/or to surrender anything in that person's possession which is, or which the officer reasonably believes to be, a psychoactive substance or a container for a psychoactive substance.

12. There are certain safeguards on the imposition of the requirements including
 - a. the person must be advised that failing without reasonable excuse to comply is an offence, and
 - b. if the authorised officer is not a constable, or police community support officer, the officer must produce evidence of their authority if requested.

Anything surrendered may be disposed in whatever way the authorised officer thinks appropriate.

OFFENCE

13. It is a criminal offence for a person without reasonable excuse to breach the prohibition or to fail to comply with a requirement to which is imposed.

PENALTY

14. On summary conviction, the court may impose a fine of up to £1,000 (Level 3 on the standard scale)
A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.