

WIGAN BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER NO. 2 OF 2016 – LEIGH TOWN CENTRE

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This Order may be cited as the Wigan Borough Council Town Centre Public Spaces Protection Order Number 2 of 2016.

Wigan Borough Council (the Council) in exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, hereby makes the following Order;

1. The Order shall come into operation on the 17th October 2016 at 12pm and shall have effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers
2. The Order relates to that part of the Borough of Wigan as shown edged orange on the attached plan (the Protected Area)
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the Protected Area through the use of intoxicating substances, anti-social behaviour that causes alarm or distress, and begging. These activities have a detrimental effect on the quality of life of those in the locality and it is likely that these activities will be carried out within that area and will have such effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order and that it is in all the circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Prohibitions

The activities below are hereby prohibited;

1. Any person found to have possession of an intoxicating substances within the Protected Area must surrender an intoxicating substance to an authorised person on request, if;
 - a. They are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances; or
 - b. They are found in possession of such intoxicating substances with the intent of using intoxicating substances within this area; or
 - c. The authorised person has reasonable grounds to believe that such person is using or intended to use the intoxicating substance within the said area.

Exemptions shall apply in cases where the substances are 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 substances fall within the curtilage of a premises licensed for the sale and consumption of alcohol and within the operating hours of such.

2. All persons within the Protected Area are prohibited from approaching another person either in person or verbally in order to make an unauthorised request for money (either by asking or implying, including having a sign) in a public place from people they do not know.
3. All persons within the Protected Area are not to behave either individually or in a group of two or more people in a manner that has resulted in or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour.
 - a. If a person is deemed to breach this provision of the order, an authorised officer may;
 - i. Order any individual or all members of a group to disperse;
 - ii. Order any individual or all members of a group to disperse and leave the designated area if they live outside of it;
 - iii. Order any individual or all members of a group to disperse and leave the designated area if they live outside of it and not return until a specified time. The specified time will not exceed 24 hours.
 - b. For those persons who live within the designated area the authorised officer may order any individual or all members of a group to disperse

Offences

1. If a person is found in breach of any of the conditions of the Order, they shall, under section 63 and/or section 67 of the Act be liable to summary conviction to a fine not exceeding Level 3 on the standard scale or a fixed penalty notice.

Definitions

Authorised Person – An authorised person is a Police Constable, Police Community Support Officer or Wigan Council Officer, who must be able to present their authority if it is requested.

Unauthorised Requests – Unauthorised for this purpose means without the express written consent of any owner (or person having control over or an interest in the land in question)

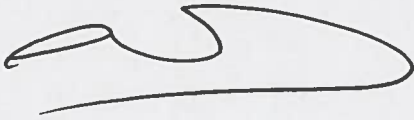
The Act - The Anti-Social Behaviour, Crime and Policing Act 2014

Protected Area - That part of the Borough of Wigan as shown edged orange on the attached plan

Dated this 17th day of October

2016

EXECUTED as a DEED by affixing THE)
COMMON SEAL of WIGAN BOROUGH)
COUNCIL in the presence of:)



Assistant Director Legal



484/16



4-84/16
1:4,000
N

