

BOROUGH COUNCIL OF BOLTON

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

BOROUGH COUNCIL OF BOLTON (BOLTON TOWN CENTRE) PUBLIC SPACES PROTECTION ORDER 2019

This Order is made by the Borough Council of Bolton ("the Council") in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act").

The Council is satisfied that there is anti-social behaviour of a persistent or continuing nature being carried out, or it is likely that such activities will be carried out within the area to which this Order applies. This is having or is likely to have a detrimental effect on the quality of life of those in the locality and the effect of these activities is of a persistent or continuing nature, such as to make the activities unreasonable. As such the Council is satisfied that the conditions set out in the Act have been satisfied and that in all circumstances it is just and expedient to make this Order.

The Council hereby makes the following Public Spaces Protection Order which applies to any place to which the public have access within Bolton Town Centre as shown edged in blue on the attached plan ("Prohibition Area"). This Order may be cited as the Borough Council of Bolton (Bolton Town Centre) Public Spaces Protection Order 2019 ("the Order").

1. PROHIBITED ACTIVITIES

The activities which are prohibited at all times by this Order are:

1.1 Consumption of Alcohol on street

All persons are prohibited from consuming Alcohol or having an open Alcohol container within the Prohibition Area after having been requested by an Authorised Officer to cease consumption or to hand over the container, unless subject to exemptions listed in section 5.

1.2 Intoxicating Substances

All persons are prohibited from, ingesting, inhaling, injecting, smoking or otherwise using Intoxicating Substances within the Prohibition Area.

1.3 Anti-social Behaviour

All persons are prohibited from behaving in a way which causes or is likely to cause harassment, alarm or distress to a member or members of the public within the Prohibition Area.

1.4 Begging on the street

All persons are prohibited from, placing themselves in a position to beg or solicit money within the Prohibition Area.

1.5 Peddling / street trading

All persons are prohibited from peddling / trading goods within the Prohibition Area without an appropriate street trading licence issued by the Council.

1.6 Soliciting for money in the street (commercial)

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment or the seeking of a standing order or direct debit authority) within the Prohibition Area unless they are in possession of written authorisation from the Council.

1.7 Soliciting for money in the street (charity)

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment, seeking of a standing order or direct debit authority, or the selling of goods for a charitable purpose) within the Prohibition Area unless they are in possession of written authorisation from the Council. Appropriate permissions to carry out cash collections in the Prohibition Area should be obtained from the Council in advance.

1.8 Distribution of publicity materials

All persons are prohibited from selling or distributing any materials for commercial gain within the Prohibition Area unless they have the appropriate prior permission from the Council. Registered charities, registered political parties, and religious organisations are exempt.

1.9 Obstructing the highway

All persons are prohibited from causing or permitting an obstruction on the carriageway of a street in the Prohibition Area after having been requested to remove the obstruction from the carriageway by an Authorised Officer. This includes A-boards and other forms of unauthorised street advertisement unless they are in possession of written authorisation from the Council.

1.10 Marking of surfaces

All persons are prohibited from directly marking surfaces such as walls or pavements with paints, chalk or similar, within the Prohibition Area unless they are in possession of written authorisation from the Council.

1.11 Use of amplifiers

All persons are prohibited from using a loudspeaker or amplification by electronic means on the public highway, within the Prohibition Area unless they are in possession of written authorisation from the Council.

1.12 Use of skateboards and scooters

All persons are prohibited from using a skateboard or Scooter within a specified part of the Prohibition Area (edged in red on Plan 1 and Plan 2).

1.13 Use of bicycles

All persons are prohibited from cycling / riding a bicycle within a specified part of the Prohibition Area (edged in red on Plan 1 and Plan 2). Emergency services are exempt.

2. DEFINITIONS

In this Order:

- 2.1 "Authorised Officer" means a Police Constable, a Police Community Support Officer or an Authorised Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.2 "Intoxicating Substances" means substances with the capacity to stimulate or depress the central nervous system.
- 2.3 "Alcohol" has the meaning given by section 191 of the Licensing Act 2003.
- 2.4 "Scooter" means "conveyance consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground" or any other variation of the same designed or adapted for similar purpose, whether having a handle or otherwise.

3. PERIOD FOR WHICH THE ORDER HAS EFFECT

- 3.1 This Order shall come into force on 19th February 2019 and shall remain in place for a period of three years, unless extended by further orders under the Council's statutory powers.

4. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER

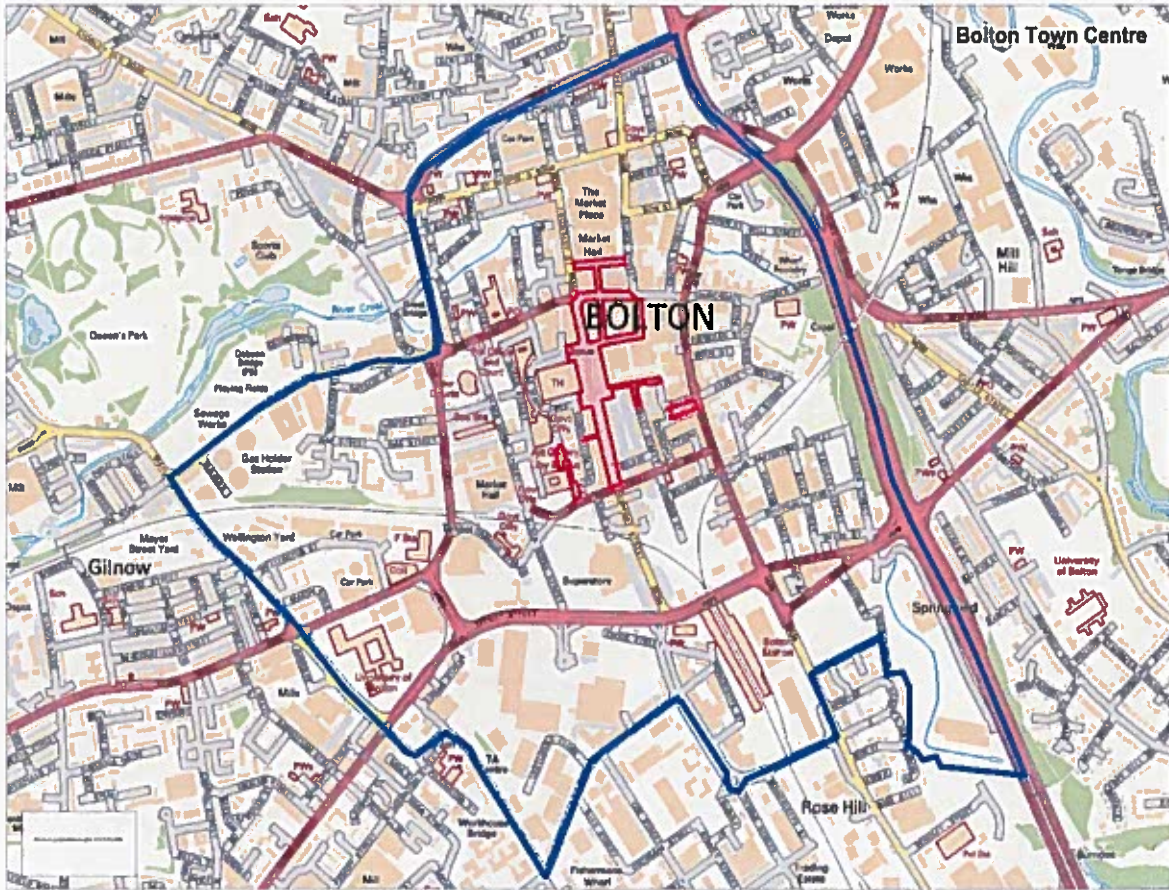
- 4.1 It is an offence under the Act for a person without reasonable excuse to engage in activity that is prohibited by this Order.
- 4.2 In accordance with section 63 of the Act, any person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an Authorised Person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice (£100).
- 4.3 In accordance with section 67 of the Act, any person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an Authorised Person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice (£100).
- 4.4 Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by an Authorised Officer. In making the decision to issue a fixed penalty notice, the Authorised Officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, if payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Order).

5. EXEMPTIONS

- 5.1 Exemptions shall apply in cases where the Intoxicating Substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.
- 5.2 For the avoidance of doubt, an exemption shall apply if the consumption of alcohol is on premises or public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of section 115E of the Highways Act 1980.
- 5.3 Prohibition 1.12; The prohibition on the use of skateboards and scooters does not apply to the dedicated skate park located at Great Moor Street (corner of Dawes Street).

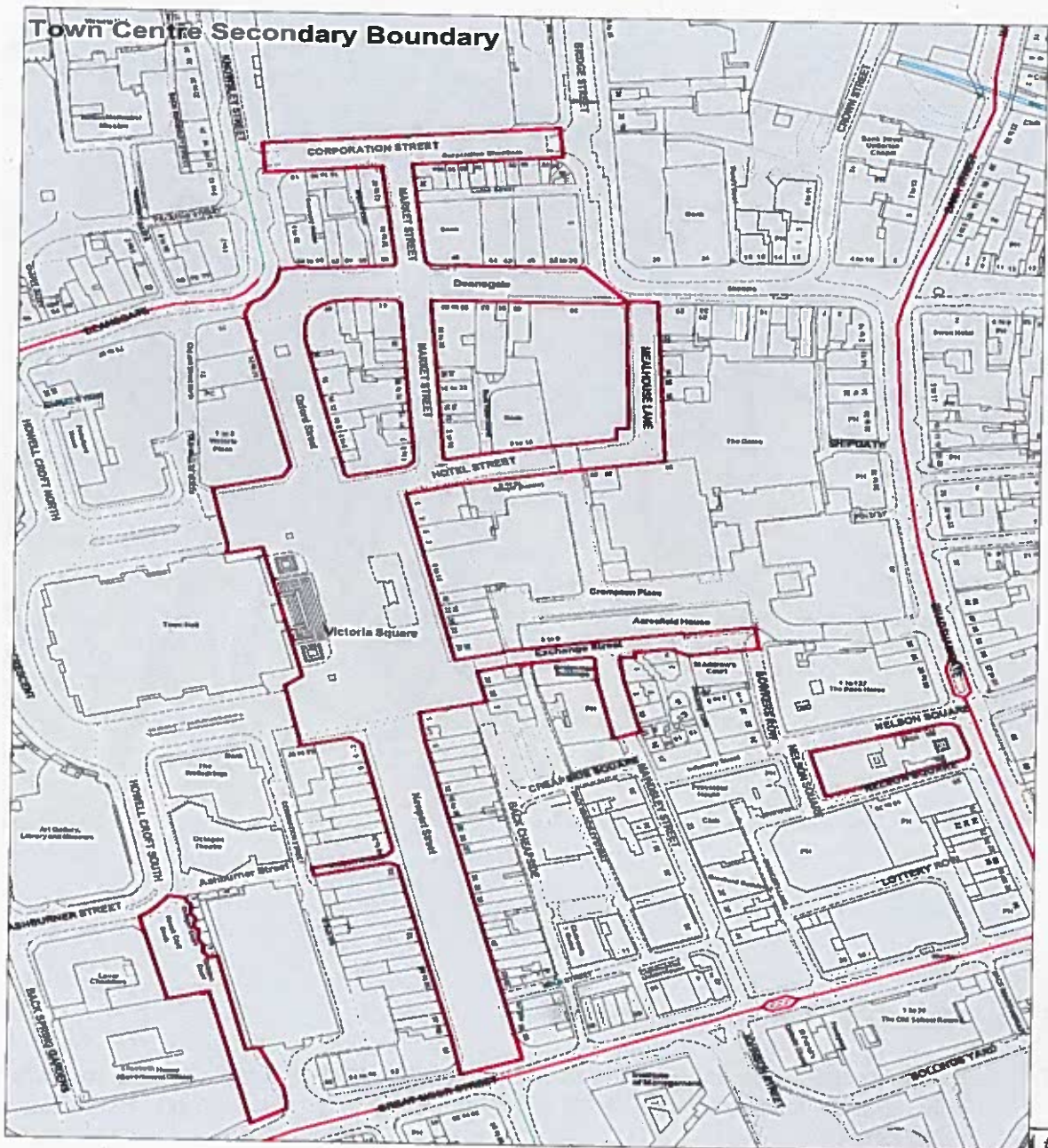
6. PROHIBITION AREA: PLAN 1

- 6.1 Plan 1 (below page 4) highlights the boundary of the Prohibition Area edged in blue, covering prohibitions 1.1 – 1.11 (inclusive). It also includes a secondary Prohibition Area edged in red, which only applies to prohibitions 1.12 (skateboards and scooters) and 1.13 (use of bicycles).



7. PROHIBITION AREA: PLAN 2

7.1 Plan 2 (below page 5) highlights the secondary Prohibition Area edged in red, which only applies to prohibitions 1.12 (skateboards and scooters) and 1.13 (use of bicycles).



Dated: 19th February 2019

THE COMMON SEAL of the
BOROUGH COUNCIL OF BOLTON
Was hereto affixed in the presence of:

SEALING NO
20748

Allen Gorman

AUTHORISED SEALING OFFICER

