

PROPOSED DRAFT ORDER

BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2016 (the "Order")

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection Order Number 1 of 2016.

The City of Bradford Metropolitan District Council ("the Council") in exercise of its powers under Section 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. This Order shall come into operation on 1 December 2016 and shall have an effect for 3 years thereafter, unless extended by further order under the Council's statutory powers.
2. This Order relates to the part of the City of Bradford Metropolitan District as shown edged red on the attached plan (the Exclusion Zone").
3. The Council is satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an 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 this 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:

1. **Person(s) within the Exclusion Zone will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances.**
2. **Intoxicating Substances is given the following definition which includes alcohol and what are commonly referred to as 'legal highs' i.e. substances with the capacity to stimulate or depress the central nervous system.**
3. **Exemptions shall apply in cases where the 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 or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.**
4. **Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 3 above): surrender in accordance with the requirements under section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act.**

5. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a 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 up to £100.
3. In accordance with section 67 of the Act, a 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 up to £100.

APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX:

A Street plan of area of the area of the Council showing The Exclusion Zone edged in red.

Given under the Common Seal of
The City of Bradford M D C

On the.....day of.....2016

**THE COMMON SEAL of the
COUNCIL**

Was hereunto affixed

In the presence of:

.....Authorised Officer

.....Designation

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