

APPENDIX E

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (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 (Consumption of alcohol, in a designated area.) Order Number 2 of 2022. (the Order)

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 4th of October 2022 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 Bingley Town Centre of the City of Bradford Metropolitan District as shown edged red on the attached plan (the restricted 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 restricted area. 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, the said activities considered by the authorised officer to be anti-social as described within the Act.
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 the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

5. The effect of this Order is to impose the following prohibitions from midnight the date of this order, namely that within the Restricted Area a person or persons are prohibited from:
 - i. Consuming or intending to consume alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - ii. Having an unsealed container of alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - iii. Repeated drunken and anti-social behaviour is such which includes but is not restricted to:

- Shouting
 - Swearing
 - Intimidating others
 - Harassing others
 - Urinating in a public place.
6. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff 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.
 7. Person(s) within this area who breach this prohibition set out in paragraph 5 I) and 5II) above shall (with the exemption of the matters referred to in paragraph 6 above): surrender in accordance with the requirements under the 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
 8. In respect of the requirements contained within this Order an authorised person is a Police Constable, Police Community Support Officer or Council Officer.

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 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

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.

GIVEN under the Seal of the City of Bradford Metropolitan District Council

.....
 THE CORPORATE COMMON SEAL of
 CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
 Was hereunto affixed in the presence

City Solicitor

