

THE COUNCIL OF THE CITY OF WAKEFIELD

PUBLIC SPACES PROTECTION ORDER NO 2 of 2017

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Council of the City of Wakefield, ("the Council") in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), hereby makes the following order:

1. This Order takes effect on the 22<sup>nd</sup> November 2017 and will remain in force for 3 years thereafter, unless extended by further order under Section 60 of the Act.
2. This Order relates to the part of Pontefract Town Centre shown outlined in red on the attached plan (referred to as the 'Restricted Area').
3. The effect of this Order is to prevent persons from using or consuming intoxicating substances within the Restricted Area (referred to as 'Prohibited Activities'). This Order therefore imposes the following prohibitions:

**3.1. Persons within the Restricted Area shall not ingest, inhale, inject, smoke or otherwise use intoxicating substances in a public place.**

*Intoxicating substances is given the following definition (which includes alcohol and New Psychoactive Substances, formerly referred to as 'legal highs'): 'Substances which have the capacity to stimulate or depress the central nervous system'. Exemptions shall apply in cases where the substances are used for 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. The prohibition does not apply to the consumption of alcohol where consumption takes place within the curtilage of premises licensed for the sale and consumption of alcohol and within the operating hours of such.*

*'Public place' for the purposes of this Order means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.*

4. This Order imposes the following requirement:

**4.1 Persons within the Restricted Area who breach paragraph 3.1 of this Order, or who an authorised person reasonably believes intend to use intoxicating substances in circumstances in which doing so would be a breach of paragraph 3.1 of this Order, shall surrender any intoxicating substance in their possession to an authorised person on request.**

*An authorised person shall be a Police Constable, Police Community Support Officer or a Wakefield Council Officer, who must be able to show their authorisation upon request.*

5. The Council is satisfied that the conditions set out in Section 59 of the Act are met, namely that the Prohibited Activities carried out within the Restricted Area have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the Prohibited Activities is, or is likely to be, of a persistent or

continuing nature such as to make the Prohibited Activities unreasonable and therefore justifies the restrictions/requirements imposed by this Order.

## 6. Offences and Fixed Penalty Notices

6.1 It is an offence for a person without reasonable excuse to do anything prohibited by this Order (other than consume alcohol) or to fail to comply with a requirement to which the person is subject under this Order.

6.2 Under Section 63 of the Act, a person who fails without reasonable excuse to comply with a requirement by an authorised person not to consume alcohol in the Restricted Area in breach of this Order, or who refuses to surrender anything which the authorised person reasonably believes to be alcohol or a container for alcohol, commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the Standard Scale (currently £500).

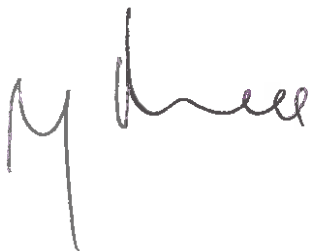
6.3 Under Section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale (currently £1000)

6.4 A Police Constable, Police Community Support Officer, or an Authorised Council Officer may, under Section 68 of the Act, issue a Fixed Penalty Notice up to a sum of £100 to any person he or she has reason to believe has committed an offence.

7. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Dated 22<sup>nd</sup> November 2017

The Common Seal of the Council of  
the City of Wakefield was hereunto  
affixed in the presence of:-

A handwritten signature in black ink, appearing to read 'M. D. Hill'.

