

NORTH DEVON DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

In exercise of the power under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, the North Devon District Council (NDDC) hereby makes a Public Spaces Protection Order in relation to the Restricted Areas as outlined in red on the location plans (the town centres of Barnstaple and Ilfracombe).

The terms of the order are that any person within the Restricted Areas, whilst in a street or any other public place to which the public have access without payment, shall:

- (1) Surrender any intoxicating substance in their possession when requested to do so by an authorised person if:
 - (a) they are found to be ingesting, inhaling, injecting or otherwise using an intoxicating substance, or
 - (b) they are in possession of an intoxicating substance with intent to use such substance within the Restricted Area, or
 - (c) the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the Restricted Area
- (2) Not urinate in a street or public place
- (3) Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress. Persons within the Restricted Area who breach this prohibition while in a group shall, when ordered to do so by an authorised person, disperse immediately or by such time and in such a manner as may be specified. The manner specified by the authorised person may include a requirement not to re-enter a defined zone in the Restricted Area for up to 6 hours
- (4) Not carry out aggressive begging

A person who fails without reasonable excuse to comply with any of the above provisions shall be liable to a fixed penalty of £100, or on summary conviction, to a fine up to level 3 on the standard scale

Where a constable or authorised person reasonably believes that a person is or has been consuming alcohol or intends to consume alcohol in breach of this prohibition, the constable or authorised person may require the person not to consume the alcohol and/or to surrender the alcohol to the constable or authorised person. A person who fails to comply with the requirement commits an offence and is liable to a fixed penalty of £100 or on summary conviction to a fine up to level 2 on the standard scale

This Order shall come into force on 1st January 2021 and shall remain in place for a period of 3 years

Dated this 1 January 2021

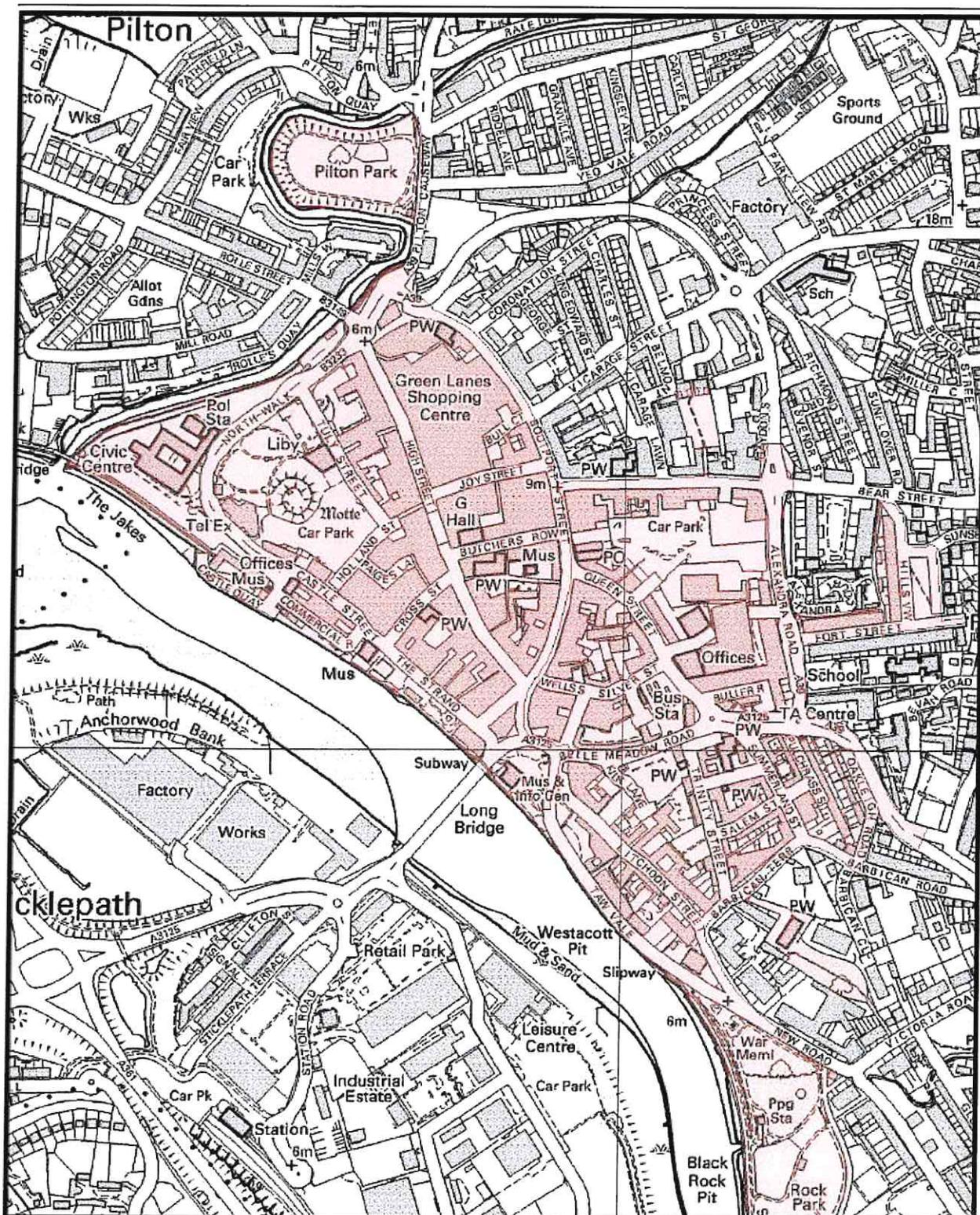
THE COMMON SEAL of NORTH DEVON
DISTRICT COUNCIL was hereunto fixed
In the presence of:



Explanatory Notes:

- (1) The expression "Intoxicating substance" is defined as "a substance with the capacity to stimulate or depress the central nervous system" and includes alcohol and "new psychoactive substances." The definition does not apply to substances used for valid medicinal purposes, or cigarettes or vaporisers.
- (2) This Order does not apply to the possession or consumption of alcohol within the curtilage and operating hours of licensed premises
- (3) An "Authorised person" comprises a Police Constable, a Police Community Support Officer or an authorised officer of the North Devon District Council
- (4) The expression "Street or public place" includes any road, footway, beach or other area to which the public have access without payment, inclusive of parks and retail car parks.
- (5) "Aggressive begging" is defined as behaviour that a reasonable person would regard as intimidating and which is aimed at causing a member of the public to give money to a person not known to them. The behaviour may comprise intimidating language, or may comprise passive aggression such as in standing or sitting within 5 metres of a cash machine, pay station or other place where an individual may expect privacy when their cash, bankcards, purses or wallets may be on display

LOCATION PLAN 1 - BARNSTAPLE



LOCATION PLAN - ILFRACOMBE

