

LEEDS CITY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2017 (the "ORDER")

AREA OF BURMANTOFTS

This Order may be cited as Leeds City Council, Public Spaces Protection Order Number of 2017.

Leeds City Council exercises 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 20 October 2017 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 Leeds City Council, Area of Burmantofts as shown edged black on the attached plan ("the Exclusion Zone").
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 Exclusion Zone through the use of intoxicating alcoholic 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: consume alcohol, or be in possession of an open container of alcohol in a public space.
2. Exemptions shall apply in cases where for the avoidance of doubt the consumption of alcohol is on premises or public space licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of section 115E of the Highways Act 1980.
3. Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 2 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.
4. 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 Leeds City Council, Area of Burmantofts showing the Exclusion Zone edged in black.

Given under the Common Seal of
Leeds City Council
On the

.....20th.....day of.....October.....2017

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:



.....Anne Oldroyd.....Authorised Officer

.....Team Leader / Solicitor.....Designation

Seal No. 96730