

CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER X of 2020 (the “Order”) UNDER THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Lincoln Council Public Spaces Protection Order Number X of 2020 (Broadgate/Central/Lucy Tower Street multi-storey car park).

The City of Lincoln Council (“the Council”) under and in accordance with sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and all other enabling powers, hereby makes the following Order:

This order shall come into effect on DATE 2020 for a period of three years, subject to any future extension or variation under the relevant statutory powers.

This order applies to the area (the “restricted area”) shown edged red on the plan annexed to this order.

In this order:

An “authorised person” means a Police Constable, a Police Community Support Officer or an officer of the Council who must be able to present their authority upon request.

An “exempted use” means where an intoxicating substance is:

- a. used for a valid and demonstrable medicinal use;
- b. cigarettes (tobacco) or vaporisers; or
- c. a food stuff regulated by food health and safety legislation.

An “intoxicating substance” means substances with the capacity to stimulate or depress the central nervous system, including but not limited to alcohol, drugs and so-called ‘legal highs’.

A “permitted purpose” includes:

- a. all activities reasonably associated with the parking of a vehicle in the restricted area in accordance with the requirements of a relevant occupier; or
- b. entering or remaining in the restricted area owing to an emergency.

A “relevant occupier” means an owner or occupier of the restricted area or an employee of the relevant occupier with duties relevant to the restricted area.

1. No person in the restricted area shall engage in any of the following activities (each activity being a “prohibited activity”):
 - a. ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;

- b. any activity likely to cause harassment, alarm or distress to any other person;
 - c. congregating in a group of two or more persons so as to cause an obstruction or give reasonable grounds for annoyance to any person;
 - d. loitering without a permitted purpose; or
 - e. anti-social behaviour, including but not limited to public urination or defecation, or any other unacceptable or offensive behaviour.
2. Any person reasonably suspected of engaging in a prohibited activity and given a direction to leave the restricted area by a relevant occupier shall do so as soon as reasonably possible.
3. Any person within the restricted area who breaches the prohibition at 1(a) shall surrender any intoxicating substances in their possession to an authorised person.

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 AGAINST THIS ORDER

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 **COMMON SEAL** of
the City of Lincoln Council
On [] 2020]

THE COMMON SEAL of the }
CITY OF LINCOLN COUNCIL }
Was hereunto affixed }

In the presence of: _____ }