



Northampton Borough Council Public Spaces Protection Order 2020

Northampton Borough Council ("the Council") makes the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

The land described by the maps at Appendices 1, 1A and 1B, being land in the area of the Council, is land to which the Act applies and will be protected by this Order.

The Order may be cited as the Northampton Borough Council Public Spaces Protection Order 2020.

1. Any person is prohibited, at any time when within the area outlined in black at Appendix 1 of this Order, from ingesting, injecting, smoking or otherwise using intoxicating substances. Intoxicating substances are defined for the purposes of this Order as substances with the capacity to stimulate or depress the central nervous system, including illegal drugs or psychoactive substances (so-called "legal highs"), but excluding alcohol, tobacco or prescription medication.
2. Persons within the area outlined in black at Appendix 1 will not have any item that can be used to assist in the taking of intoxicating substances defined in paragraph 1 above. This includes any device for smoking substances other than e-cigarettes. It also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.
3. Persons within the area indicated outlined in black at Appendix 1 will not have in their possession any open containers of alcohol in any public place open to the air.
4. No person shall urinate or defecate in any public place open to the air in the area outlined in black at Appendix 1. This does not include public toilets.
5. No person shall spit in any public place open to the air in the area outlined in black at Appendix 1.
6. Persons who are in charge of a dog must remove its faeces from the land from land outlined in black at Appendix 1 forthwith unless:
 - a. there is reasonable excuse for failing to do so (not being in possession of a bag to remove the faeces is not a reasonable excuse); or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
7. A person in charge of a dog on land within the following areas only, within the larger area outlined in black at Appendix 1, must keep that dog on a lead at all times:
 - a. all children's play areas in public parks,
 - b. all cemeteries,
 - c. Northampton town centre (as outlined in black at Appendix 1A) and
 - d. The "Phase 2" area of Upton Country Park (as outlined in red at Appendix 1B).
8. Any person who fails to comply with the prohibition at paragraph 3 of this Order without reasonable excuse commits an offence under section 63 of the Act if they then fail to cease drinking alcohol and dispose of or surrender any open containers of alcohol in their possession upon request

by a Police Constable ("a Constable") or a person duly authorised in writing by Northampton Borough Council ("An Authorised Officer").

9. This Order is subject to the exemptions at Appendix 2.

10. A person committing an offence under Section 63 of the Act may be issued with a Fixed Penalty Notice ("FPN") of £100.00 by a Constable or an Authorised Person, in accordance with section 68 of the Act, payment of which will discharge liability to conviction for that offence

11. A person guilty of an offence under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). No proceedings may be taken for any offence before the end of the 14 day period following the date of issue of an FPN. The person may not be convicted of the offence if the FPN is paid before the end of that period.

12. Any person who fails to comply with the prohibition at paragraph 1 of this Order without reasonable excuse commits an offence under section 67 of the Act if they then fail to comply with a reasonable request by a Constable or an Authorised Officer to;

- a. surrender any open containers of intoxicating substances in their possession,
- b. surrender any item used to assist in the taking of any intoxicating substance or
- c. secure safe disposal of any needles in their possession not sealed and stored as set out in Paragraph 2 of this Order.

13. Any person who fails to comply with any prohibition at paragraphs 4, 5, 6 and 7 of this Order without reasonable excuse also commits an offence under section 67 of the Act.

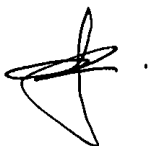
14. A person committing an offence under Section 67 of the Act may be issued with a Fixed Penalty Notice ("FPN") of £100.00 by a Constable or an Authorised Person, in accordance with section 68 of the Act, payment of which will discharge liability to conviction for that offence.

15. A person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). No proceedings may be taken for any offence before the end of the 14 day period following the date of issue of an FPN. The person may not be convicted of the offence if the FPN is paid before the end of that period.

16. In consulting upon the prohibitions within this Order and upon making it, the Council has had particular regard to the rights of freedom of expression and freedom of assembly as set out in Articles 10 and 11 of the European Convention on Human Rights

17. This Order originally came into force on 18th September 2020 for a period of three years from that date. An amended version of the Order incorporating paragraph 7 (d) was made on the following date and comes into force on 26th March 2021 for the remainder of the three year period which commenced on 18th September 2020.

Dated: 25th March 2021



Signed

Francis Fernandes

Borough Secretary, Northampton Borough Council



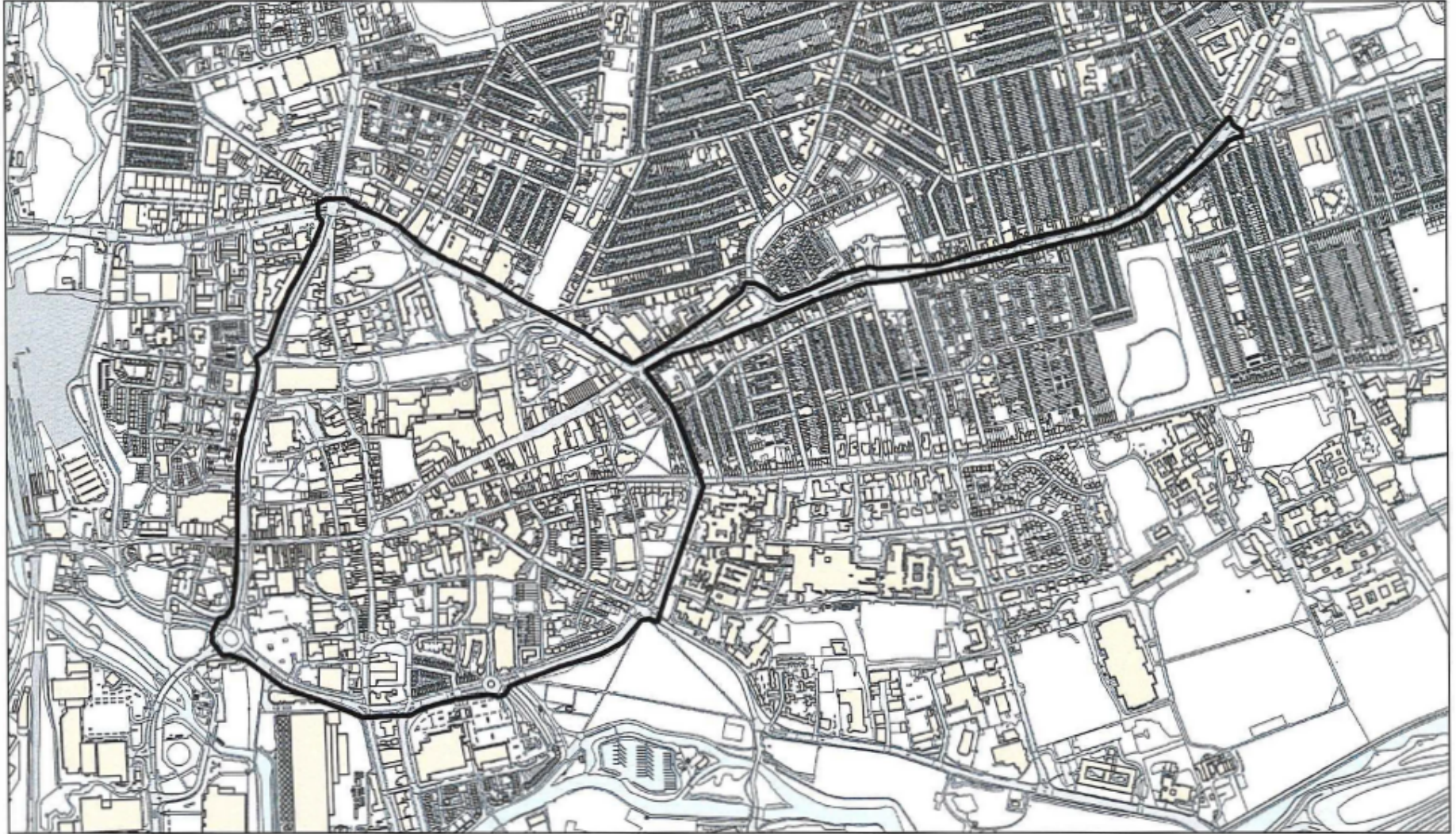
Title: **Appendix 1**

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Title: **Appendix 1A**

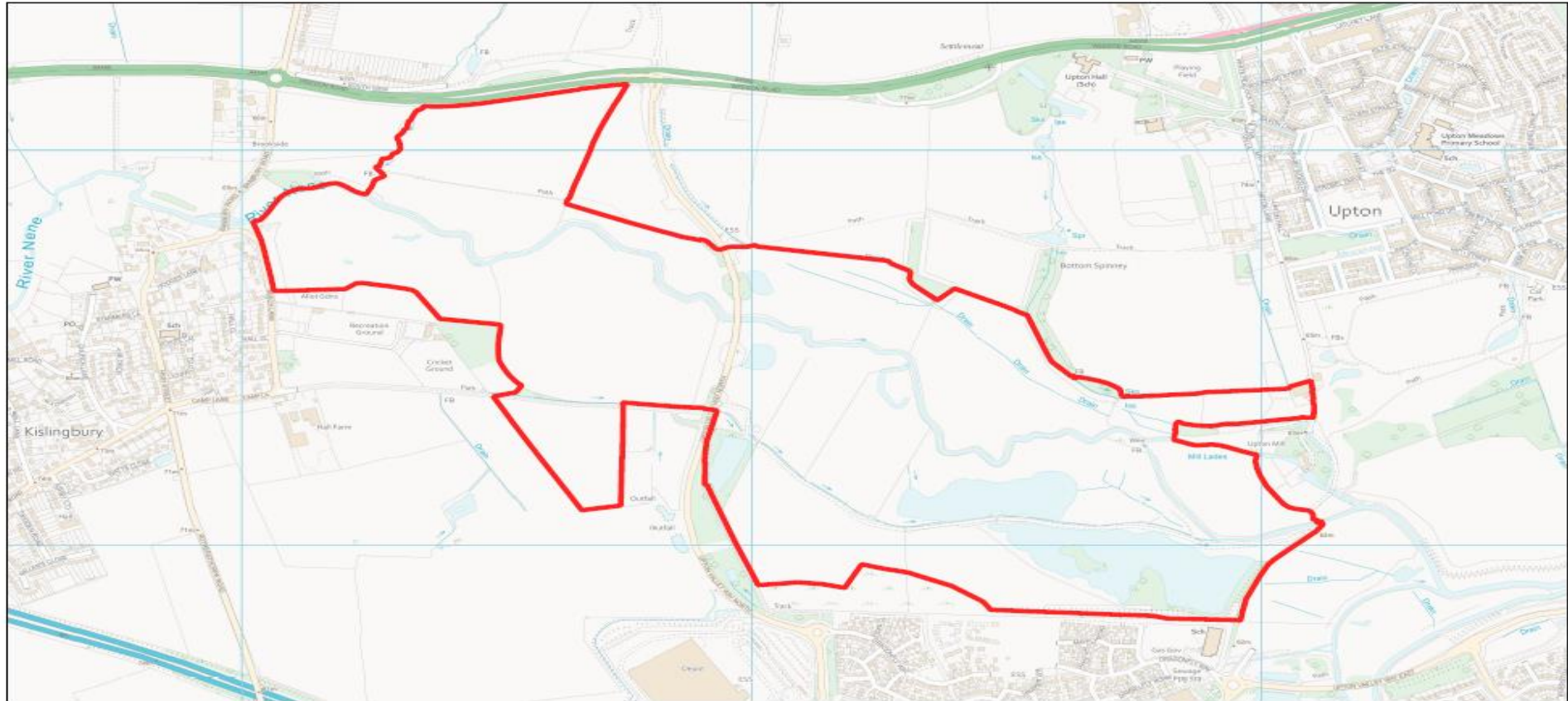
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Date: 10/04/2015

Scale: 1:10,000

Author: EDC/ML

Appendix 1B



Title: **Upton Country Park - Phase 2**

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Date: 22-10-2020

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APPENDIX 2

Exemptions

1. Nothing in Paragraph 3 of this Order, (relating to the consumption of alcohol in a public place open to the air) shall apply to:

(a) Premises authorised by a premises licence to be used for the supply of alcohol

(b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

(c) A place within the curtilage of premises within paragraph (a) or (b);

(d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;

(e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115 of the Highways Act 1980 (highway-related uses)

2. A prohibition in the Order on consuming alcohol does not apply to council-operated licensed premises or land:

(a) When the premises or land are being used for the supply of alcohol; or

(b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.

3. Nothing in Paragraph 5 and 6 (removal of dog faeces & dogs on leads) shall apply to a person who:

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.