

PSPO - BURNLEY BOROUGH COUNCIL  
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59  
PUBLIC SPACES PROTECTION ORDER

**1) Purpose**

Burnley Borough Council 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, makes the following order:

Burnley Borough Council (referred to hereafter as “the Council”) hereby make the following Public Spaces Protection Order (referred to hereafter as the “PSPO”) that applies to any place to which the public have access within the area shown and edged red on the plan annexed to this order (the Prohibition Area) unless otherwise specified.

**2) Prohibited Activities**

**a) Begging on the Street.**

No person shall, whilst with in the Prohibition Area, place themselves in a position that implies that they are begging for money or attempting to solicit.

**b) Those under 16 in the area 11pm - 5am**

Any person in the Prohibition Area between the hours of 11pm and 5am, being unable to provide evidence that they are over the age of 16, must be accompanied by a responsible adult. If unaccompanied that person must leave the Prohibition Area immediately after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area, in which case they must return there.

**c) Those under 14 in the area 9pm - 5am**

Any person in the Prohibition Area between the hours of 9pm and 5am, being unable to provide evidence that they are over the age of 14, must be accompanied by a responsible adult. If unaccompanied that person must leave the Prohibition Area immediately after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area, in which case they must return there

**d) Misuse of skateboards, bicycles and scooters.**

No person shall, at any time, use a skateboard, bicycle, scooter or similar wheeled conveyance in a manner that they know, or ought to know, will cause alarm, harassment or distress to others nearby.

**e) People urinating or defecating in a public place.**

No person shall urinate or defecate in a public place (other than public toilets).

**f) Unsolicited charity collection and face to face sales.**

No person shall engage in or knowingly cause or permit the collection of or soliciting of money (whether by way of immediate payment, seeking a direct debit authority or standing order, or the selling of goods for charitable purpose) whilst within the Prohibition Area unless they have complied with the Burnley Council Collections and face to face Sales Code of conduct

**g) Street trading**

No person shall engage in peddling or trading goods whilst within the Prohibition Area unless they comply with the Burnley Council Collections and Face to Face Sales Code of Conduct.

**h) Consumption of alcohol on the street**

No person shall, whilst within the Prohibition Area, consume alcohol or have an open alcohol container after having been requested by an authorised person to cease consumption or hand over the container, unless the consumption of alcohol is on premises or in public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised pursuant to section 115E Highways Act 1980.

**i) Intoxicating Substances**

No person shall, whilst within the Prohibition Area, ingest, inhale, inject, smoke or otherwise use intoxicating substances. An exemption will apply in cases where the Intoxicating Substance is being used for valid and demonstrable medical use, given to an animal as a medical remedy, are legitimate tobacco products or vaporisers or are food stuffs regulated by food health and safety legislation.

**j) Use of Amplifiers**

No person shall continue to use a loudspeaker or amplification by electronic means on the public highway within the Prohibition Area after having been requested by an Authorised Officer to cease from doing so.

**3) Definitions**

- a) “Authorised Officer” means a Police Constable, a Police Community Support Officer or an officer of Burnley Borough Council in possession of an authority to enforce this order.
- b) “Scooter” means a conveyance consisting of a footboard mounted on wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground or by electric motor, or any other variation of the same designed or adapted for a similar purpose, whether having a handle or otherwise.
- c) “Alcohol” has the meaning given by section 191 Licensing Act 2003

- d) “Intoxicating substances” means any substance with the ability to stimulate or depress the central nervous system
- e) “Responsible adult” means a parent, a step-parent, a guardian, a social worker or an adult who has parental rights, duties and responsibilities over the child.
- f) “Plan” means the plan annexed to this order.

#### **4) What happens if you fail to comply with this order?**

a) Pursuant to section 67 of the Act any person who, without reasonable excuse, fails to comply with the requirements of this PSPO commits an offence and shall be liable, on summary conviction, to a fine currently not exceeding level 3 on the standard scale or to a Fixed Penalty Notice for an amount determined by the Council (currently £75)

b) Pursuant to section 63 of the Act a person found 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 fine currently not exceeding level 2 on the standard scale or to a Fixed Penalty Notice for an amount determined by the council (currently £75)

The Authorised Officer may decide that a Fixed Penalty Notice is an appropriate way of dealing with any breach. If issued an appropriate payment would discharge any liability to prosecution for the offence. However, if payment is not made Court proceedings may be initiated for the offence of failing to comply with the Order.

c) If an Authorised Officer proposes to give a person a notice under this Public Space Protection Order, the Officer may require the person to give them their name and address.

A person commits an offence if—

- (a) they fail to give their name and address when required to do so, or
- (b) they give a false or inaccurate name or address in response to a requirement under that subsection.

A person guilty of an offence under subsection (4c) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **5) Period for which the order has effect**

This Order shall come into force on ...20<sup>th</sup> November 2022... and remain in place for a period of three years.

THE COMMON SEAL of the COUNCIL  
OF THE BOROUGH OF BURNLEY was  
hereunto affixed this      day of  
2022 in the presence of:

Authorised signatory

Authorised signatory