



**West
Northamptonshire
Council**

West Northamptonshire Council (Daventry) Public Spaces Protection Order 2023

West Northamptonshire 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 dark grey area of the map at Appendix 2 ("the Restricted Area") being land in the administrative area of the Council to which the public or any section of the public have access, on payment or otherwise, as right or by virtue of express or implied permission, is land to which the Act applies and will be protected by this Order.

The Order may be cited as the West Northamptonshire Council (Daventry) Public Spaces Protection Order 2023.

Prohibitions

All persons are prohibited at all times from the following within the Restricted Area;

1. Ingesting, injecting, smoking or otherwise using intoxicating substances.

Note - 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. Having in their possession any item that may be used to assist in the taking of intoxicating substances as defined in paragraph 1.

Note - This includes any device for smoking substances other than e-cigarettes for the purposes of this Order. It also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.

3. Consuming alcohol or having in their possession any open container of alcohol.

Note - In accordance with section 63 (2) of the Act, any person reasonably believed by a Police Constable or an Authorised person to be in breach, to have breached or to be intending to breach this prohibition may be required by a Police Constable or Authorised Person to;

- a) cease consuming alcohol or any anything which they reasonably believe to be alcohol and/or
- b) to surrender anything which they reasonably believe to be alcohol or a container for alcohol.

4. Urinating or defecating, other than in any toilet or lavatory set aside for that purpose.

5. Spitting.

6. Riding a bicycle, monocycle or scooter (whether manually or electrically powered) after a Police Constable or Authorised Person has requested that they refrain from doing so.
7. Busking after a Police Constable or Authorised Person has requested that they refrain from doing so.

This Order is subject to the exemptions at Appendix 1.

Requirements

1. All persons reasonably suspected by a Police Constable or Authorised Officer of breaching prohibitions 1 and 2 must do the following when requested to do so by a Police Constable or Authorised Person;
 - a. surrender any open containers of intoxicating substances in their possession,
 - b. surrender any item in their possession used to assist in the taking of any intoxicating substance and
 - c. secure safe disposal of any needles in their possession that are not sealed and stored in a hard case.

Interpretation

“Authorised Person” means any person authorised in writing by the Council to enforce the above prohibitions and to make requirements permitted by this Order and the Act.

“Busking” means a performance of live music or other activity intended to entertain members of the public without an express authorisation from the Council or land owner to do so and regardless of whether voluntary donations are sought by the performer or performers.

Enforcement

Under section 63 of the Act, failure to comply with any requirement made by a Constable or Authorised Person following breach of the 3rd prohibition is an offence, for which any person will be liable on summary conviction to a fine not exceeding £500.

Under section 67 of the Act, breach of any of the other prohibitions and the above requirement in this Order is an offence, for which any person will be liable on summary conviction to a fine not exceeding £1000.

Any person committing either offence may be issued with a Fixed Penalty Notice (“FPN”) of £100 as an alternative to prosecution, but only if paid within 14 days of issue.

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

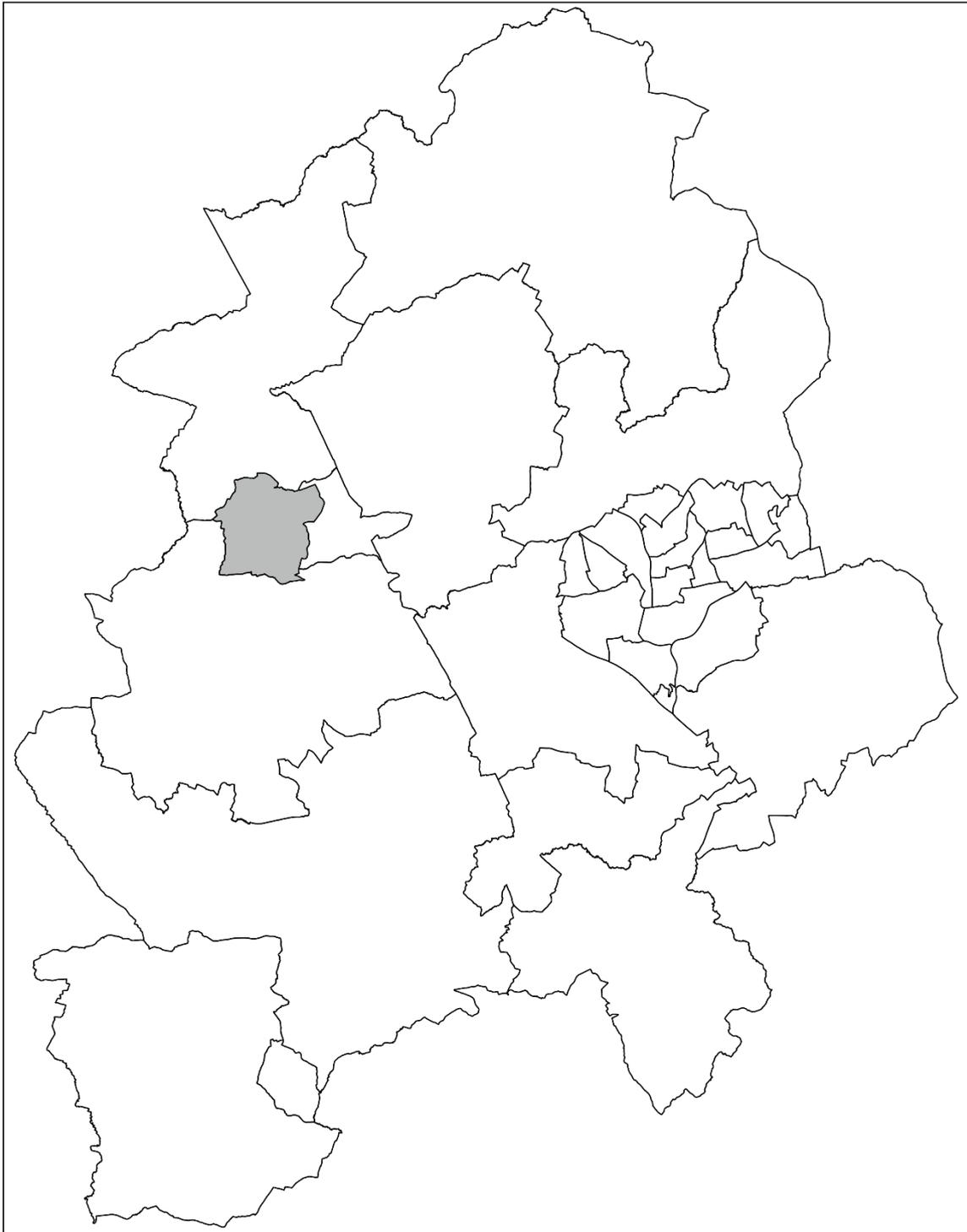
This Order comes into force on 19th September 2023 for a period of three years from that date. It may be extended pursuant to section 80 of the Act

APPENDIX 1

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.

APPENDIX 2 - West Northamptonshire area map and Daventry "Restricted Area" map



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**Title: West Northamptonshire area map
Daventry (the "Restricted Area") shown in grey**

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