

# IN THE MATTER OF BLACKPOOL BOROUGH COUNCIL AND A PUBLIC SPACES PROTECTION ORDER

## *DRAFT PARKS ORDER*

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### **Definitions**

1. For the purposes of this Order, the following definitions will apply:
  - ‘Alcohol’ has the meaning given by section 191 of the Licensing Act 2003;
  - ‘Authorised person’ means a constable, a police community support officer or a person authorised in writing by Blackpool Council;
  - ‘Motorised vehicle’ means a self-propelled contrivance designed for the carriage of persons or things, whether or not it is registered as a vehicle; and
  - ‘Commercial activity’ means activities carried out in the course of a business or for payment of any kind.
  
2. Upon considering all the information provided during a consultation period running from 11 June to 31 August, Blackpool Council is satisfied that the following activities are taking place within the restricted areas (the Land described in Schedule 1):
  - Engaging in Anti-social Behaviour , Vandalism or Causing Harassment, Alarm or Distress;
  - Consumption of alcohol in a public place;
  - The Use of Psychoactive Substances (known as ‘legal highs’);
  - Carrying out Regulated Activities without a permission.

3. Blackpool Council is further satisfied that the activities referred to in paragraph 2 above are having or are likely to have a detrimental effect on the quality of life of those in the locality and it therefore makes a Public Spaces Protection Order, the terms of which are explained below.
4. Unless otherwise stated, the prohibitions and requirements detailed below shall apply at all times of the day and all days of the week throughout any calendar year throughout the entirety of the restricted areas.

#### A – Anti-social Behaviour etc.

1. All persons are prohibited from acting in a manner that causes or could cause another person harassment, alarm or distress.
2. All persons are prohibited from using threatening, abusive or insulting words or behaviour.
3. All persons are prohibited from acting in an anti-social manner or from exhibiting disorderly behaviour.
4. All persons are prohibited from displaying any writing, sign or other visible representation which is threatening, abusive or insulting.
5. All persons are prohibited from intentionally or recklessly damaging any property not belonging to them.
6. All persons are prohibited from drinking alcohol in the restricted areas. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or s115E of the Highways Act 1980.
7. Where an authorised person reasonably believes that a person is consuming alcohol or has been consuming alcohol in breach of this Order; or where an authorised person reasonably

believes that a person intends to consume alcohol in circumstances which would be a breach of this Order, then the authorised person can take the following steps:

- a) To prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order; and
- b) To require that the person must surrender any alcohol, or anything which the authorised person reasonably believes to be alcohol, that is in the person's possession, including a container for alcohol.

C – Psychoactive substances (so-called 'Legal Highs')

8. All persons are prohibited from ingesting, inhaling, injecting or smoking any substance which has the capacity to stimulate or depress the central nervous system.
9. This prohibition does not apply where:
  - a) The substance is used for a valid and demonstrable medicinal purpose;
  - b) The substance is given to an animal as a medicinal remedy;
  - c) The substance is a cigarette (tobacco) or vapouriser; or
  - d) The substance is a food product regulated by food, health and safety legislation.

D - Carrying out 'Regulated Activities' without a permission.

10. All persons are prohibited from carrying out any Regulated Activities within the restricted areas without written permission from Blackpool Council.

11. The Regulated Activities are:

- a) Commercial activities
- b) Driving or otherwise using motorised vehicles within the restricted area (except for electrically powered scooters designed for people with restricted mobility).

Penalties for Non-Compliance

Offences

12. If, without reasonable excuse, a person is found to be in breach any of the prohibitions or requirements in respect of activities A, C and D above, they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.
13. In respect of activity B above, namely the consumption of alcohol, whilst it is not an offence in the same way as activities A,C and D, it is an offence if a person fails, without any reasonable excuse, to comply with an authorised person's request as per paragraph 6 (a) & (b) above. An authorised person who imposes a requirement under paragraph 6 (a) or 6 (b) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
14. In the event of such a failure, a person will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

Fixed Penalties

15. An authorised person may issue a fixed penalty notice (FPN) of up to £100 to anyone he or she has reason to believe has committed an offence as described in paragraphs 5 – 10 above
16. A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
17. Where a person is issued with a notice under this section in respect of an offence:
  - e) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice; and
  - f) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
18. A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence; it will state the period during which proceedings will not be taken for the offence; it will specify the amount of the fixed penalty; it will state the name and address of the person to whom the fixed penalty may be paid and specify the permissible methods of payment.
19. This Order shall come into effect on XXXXXXXX 2016.
20. This Order shall have effect for a period of 3 years

1. Anchorsholme Park	Anchorsholme Lane West Blackpool FY5 LY
2. Ansdell Road Corner	Ansdell Road Blackpool FY1 6PZ
3. Amy Johnson Way Open Space	Amy Johnson Way Blackpool FY4 2RP
4. Ashfield Road Open Space	Ashfield Road Blackpool FY2 OHM
5. Bethesda Square Open Space	Bethesda Road Blackpool FY1 5DT
6. Bispham Cliffs adventure Play Area Open Space	Queens Promenade Blackpool FY2 9NY
7. Bispham Library Gardens	Devonshire Road Blackpool FY2 0HH
8. Bispham Recreation Ground	Devonshire Road Blackpool FY2 0HH
9. Bloomfield Road Corner Open Space	Bloomfield Road Blackpool FY1 6JN
10. Boundary Park	Garstang Road West Blackpool FY3 7JJ
11. Bridge House Open Space	Bridge House Road Blackpool FY4 4XX
12. Carr Road Open Space	Carr Road Blackpool FY5 5AG
13. Cavendish Recreation Ground	Holmfield Road Blackpool FY2 9LJ
15. Central Library Gardens	Queen Street Blackpool FY1 1PX
16. Champagne Avenue Open Space	Champagne Avenue Blackpool FY5 3UD
17. Claremont Park	Warley Road Blackpool FY1 2RW
18. Collingwood Avenue Park Open Space	Collingwood Avenue Blackpool FY3 8DA
19. Common Edge Road Playing Fields Open Space	Common Edge Road Blackpool FY4 8DE
20. Cornwall Place Open Space	Cornwall Place FY3 9NR
21. Corrib Road Playground Area Open Space	Corrib Road Blackpool FY2 0RS
22. Crossland Road Park	Vicarage Lane Blackpool FY4 4EL
23. Derwent Place Open Space	Derwent Place Blackpool FY5 3HA
24. Devonshire Road Rock Gardens	Devonshire Road Blackpool FY2 0RE
25. East Park Drive frontage Open Space	East Park Drive Blackpool FY3 9RS
26. East Park Drive Recreation Area Open Space	Lawson Road Blackpool FY3 9RT
27. East Pines Park	Eastpines Drive Blackpool FY5 3RU
28. Fishers field playing fields Open Space	Highfield Road Blackpool FY4 3NS
29. Fleetwood Road Recreation	Fleetwood Road Blackpool FY5 1RN

Ground Open Space	
30. Forest Gate Bedding Area Open Space	Forest Gate Blackpool FY3 9AW
31. George Bankcroft Park	Spine Road Blackpool FY1 6JL
32. George Street Park	George Street Blackpool FY1 3SF
33. Gateside Park	Gateside Drive Blackpool FY3 7PL
34. Greenbriar Close Open Space	Greenbriar Close Blackpool FY3 7SA
35. Greenwood Avenue Open Space	Greenwood Avenue Blackpool FY1 6RF
36. Grizedale Road Open Space	Grizedale Road Blackpool FY4 4TL
37. Guildford Avenue Open Space	Guilford Avenue Blackpool FY2 0AB
38. Gynn Flagstaff Gardens	Warbreck Hill Road Blackpool FY2 9SP
39. Harold Larwood Park	Caunce Street Blackpool FY1 3NE
39. Harrowside Solarium Open Space	Clifton Drive Blackpool FY4 1DQ
40. Herons Reach Open Space	Hérons Reach Blackpool FY3 0EH
41. Highfield Park	St Martins Road Blackpool FY4 2DY
42. Indoor Bowling Green Site Open Space	Larkhill Street Blackpool FY1 3DU
43. Jubilee Gardens	Queens Promenade Blackpool FY2 9SQ
44. Kilmory Open Space	Dumfries Close Blackpool FY2 0XU
45. Kincaig Funzone Open Space	Kincaig Road Blackpool FY2 0HU
46. Kingcraig Lake Area Open Space	Kingcraig Road Blackpool FY2 0HN
47. Kingscote Park	Kingscote Drive Blackpool FY3 8HX
48. Kingsmede Recreation Area Open Space	Kingsmede Blackpool FY4 3NW
49. Larkhill Street Open Space	Larkhill Street Blackpool FY1 3DU
50. Lawson's Wetland Open Space	Lawson Road Blackpool FY3 9TB
51. Layton Bowling Green Site	Layton Road Blackpool FY3 8EA
52. Layton Recreation Ground Open Space	Collingwood Avenue Blackpool FY3 8RJ
53. Lindsay Avenue Open Space	Lindsay Avenue Blackpool FY3 9LD
54. Louis Horrocks Recreation Ground	Lytham Road Blackpool FY4 1TD
55. Marton Mere Local Nature Reserve	Rosefinch Way Blackpool FY3 9NY
56. Mereside Park	Clifton Road Blackpool FY4 4US
57. Moorgate Open Space	Moorgate Blackpool FY4 5BH
58. Moor Park	Moor Park Avenue Blackpool FY2 0LY
59. Moor Park Avenue Open Space	Moor Park Avenue Blackpool FY2 0LY
60. Moor Park extension Open Space	Canada Crescent Blackpool FY2 0LY

61. Mossom Lane Open Space	Mossom Lane Blackpool FY5 1RJ
62. Munster Avenue Open Space	Munster Avenue Blackpool FY2 0HG
63. Newcastle Avenue Open Space	Newcastle Avenue Blackpool FY3 9DP
64. Nook Link, Herons Reach Open Space	Herons Reach Blackpool FY3 0EH
65. North Park Drive Open Space	North Park Drive Blackpool FY3 8NE
66. North Shore Boating Pool	Queens Promenade Blackpool FY2 9RW
67. Patterdale Avenue Open Space	Patterdale Avenue Blackpool FY3 9QR
68. Princess Parade Crazy Golf	Promenade Blackpool FY2 9JS
69. Raikes Parade Open Space	Leamington Road Blackpool FY1 4EL
70. Redvers Terrace Open Space	Redvers Terrace Blackpool FY1 2NB
71. Red Bank Road Bowling Green Site	Red Bank Road Blackpool FY2 9HY
72. Revoe Park	Central Drive Blackpool FY1 5JB
73. Runcorn Avenue Open Space	Runcorn Avenue Blackpool FY2 0PS
74. Ryscar Way Open Space	Ryscar Way Blackpool FY2 0HE
75. Salisbury Woodland	Woodside Drive Blackpool FY3 8PP
76. Sedgefield Close Open Space	Sedgefield Close Blackpool FY4 5EY
77. Shenstone Field Open Space	Shenstone Road Blackpool FY3 7HA
78. South Shore Crescent (North) Open Space	New South Promenade Blackpool FY4 1NG
79. South Shore Crescent (South) Open Space	New South Promenade Blackpool FY4 1RN
80. South Park Drive Open Space	South Park Drive Blackpool FY3 9PX
81. Squires Gate Lane frontage Open Space	Squires Gate Lane Blackpool FY4 3RQ
82. Stanley Park	West Park Drive Blackpool FY3 9EQ
83. Stanley Park Golf Course	North Park Drive Blackpool FY3 8LP
84. Sunningdale Avenue Open Space	Sunningdale Avenue Blackpool FY3 9PX
85. Sunfield Close Open Space	Sunfield Close Blackpool FY4 5DD
86. Warbreck Recreation Ground	Warbreck Hill Road Blackpool FY2 9UQ
87. Warren Drive Open Space	Warren Drive Blackpool FY5 3HU
88. Watson Road Park	Watson Road Blackpool FY4 2DB
89. Weymouth Road Open Space	Weymouth Road Blackpool FY3 9RN
90. Whiteholme Playing Fields Open Space	All Saints Road Blackpool FY5 3AL
91. Woodside Drive Open Space	Woodside Drive Blackpool FY3 8PP