

**Report to:** Executive Cabinet Member  
Environmental Services

**Date:** 9<sup>th</sup> July 2018

**Report of:** Director of Place

**Report No:** ECMES49/18

**Contact Officer:** Assistant Director  
Neighbourhoods & Regulatory  
Services

**Tel No:** 01204 331008

**Report Title:** **Town Centre Public Spaces Protection Order**

**Non Confidential:**

**Purpose:**

To consider whether a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 should be introduced in Bolton Town Centre.

The purpose of the proposed Order is to assist the Council and its partners to provide an appropriate and robust response to anti-social behaviour issues in the Town Centre.

**Recommendations:**

The Executive Cabinet Member is recommended to:

1. Approve, as a basis for consultation, the development of a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 2.
2. Approve, as a basis for consultation, Bolton Town Centre as the 'Prohibition Area' where the Order will apply (details contained in Appendix 2)
3. Approve the proposed consultation process, which is outlined in section 5 of this report.

**Decision**

**Background Doc(s):**

- ESWPDG/06/18: Town Centre Public Spaces Protection Order (25<sup>th</sup> April 2018)

- ECMES/09/14: New Anti-social Behaviour Enforcement Legislation (17<sup>th</sup> November 2014)
- ECMES/38/18: Enforcement Fines (19<sup>th</sup> March 2018)
- C2/17a: Bolton Town Centre Strategy (25<sup>th</sup> September 2017)
- ECMES/15/17a Homelessness Action Plan Update 2017 – 2021 (14<sup>th</sup> August 2017)
- Home Office – Anti-social behavior, Crime and Policing Act 2014 Statutory Guidance (December 2017)

**Signed:**

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Leader/Executive Cabinet Member

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Monitoring Officer

**Date:**

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## 1. INTRODUCTION

- 1.1 The Council and its strategic partnership 'Bolton Vision' have adopted 'Bolton 2030' as the key strategic document aimed at setting out a vision for Bolton in 2030. It sets out the partnership's aspirations ensuring that Bolton is active, connected and prosperous with key aims including successful businesses, cohesive communities and a welcoming place to study, work and put down roots.
- 1.2 Bolton's Economic Strategy identifies the economic vision and ambition for Bolton with a vibrant town centre at its heart. Building homes, providing employment and making the most of Bolton's quality education offer, including an expanding University are keys to success whilst facilitating an innovative and attractive environment well served by transport that supports culture, dwell time, developments in technology, and provides a distinctive place to be.
- 1.3 Bolton Council has approved a new Master Plan for the Town Centre which will see investment from the local authority to help regenerate and develop the area. Against this backdrop of investment and aspiration for a vibrant and successful town centre there currently exists a variety of issues that if left unchecked may hinder these plans making development harder to achieve and damage the town centre's appeal and reputation as a place to live, shop, visit and invest.

## 2. ISSUES & CONCERNS

- 2.1 A cross directorate Town Centre Action Group has been established to consider operational ways to improve the Town Centre and enhance the experience for residents and visitors. This officer group has identified the following concerns (not exhaustive), which detract significantly from the Town Centre, and serves to damage its appeal.
  - Anti-social behaviour
  - Begging, in particular aggressive begging
  - Street pedlars and unregulated street trading activities
  - Assertive / aggressive commercial and charity collections / chuggers<sup>1</sup>
  - Intoxicated individuals (SPICE<sup>2</sup> users)
- 2.2 Analysis of crime and anti-social behaviour reported to the police in the Town Centre highlight a rise in a variety of issues over recent years. Rowdy or inconsiderate behaviour is the main category type, with a noticeable increase in begging offences and alcohol related anti-social behaviour.
- 2.3 The Town Centre Shopper Survey 2017 reported that 22% of respondents highlighted the Town Centre as;

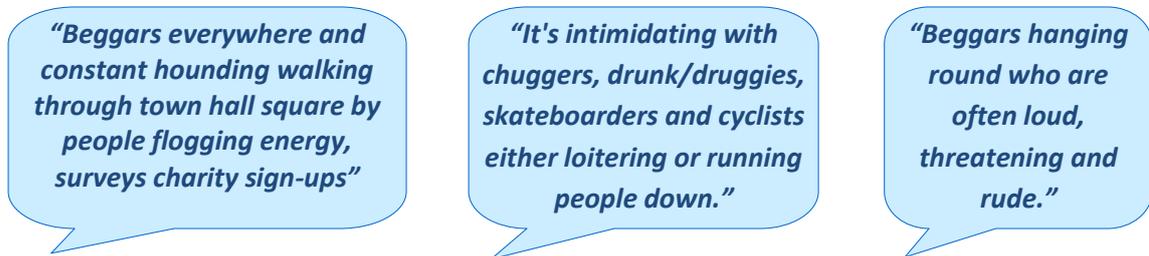
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<sup>1</sup> Chuggers: individuals paid by charities to raise funds on their behalf

<sup>2</sup> SPICE, or the 'Zombie' drug, is the commonly used term for synthetic cannabinoid.

- Attracting unpleasant people
- People / shoppers left feeling intimidated and fearful for their safety
- An increase in beggars, particularly aggressive begging
- Constant harassment from chuggers

The following quotes highlight the issues shoppers raised during the survey.



- 2.4 Aggressive begging can be frightening and intimidating particularly for older people and females, who may choose to shop elsewhere. The council has received several reports from individuals reporting aggressive begging practices in the town centre (examples are available in Appendix 1), with some beggars specifically targeting female and older visitors.
- 2.5 As part of the Ambition for Ageing<sup>3</sup> engagement work begging in the town centre has been identified as a key reason why older people do not feel safe when coming into the Town Centre.
- 2.6 Begging is a complex issue and the people concerned can range from genuine homeless individuals, people simply looking to solicit money to fund their lifestyle and at the extreme end of the spectrum, begging supported by serious organised crime, which can be linked to modern day slavery and exploitation.
- 2.7 Freedom of Information figures from 34 of the 43 police forces in England and Wales, obtained by the BBC in July 2015, suggest that less than one in five beggars are in fact homeless. This picture is reflected locally with a larger volume attracted during key Town Centre events, e.g. Food & Drink Festival.
- 2.8 Stakeholders within the Central Bolton Partnership have raised concerns with a general increase in problematic and nuisance type behaviour ranging from drug taking (particularly the use of SPICE) and begging outside, or in the vicinity of, business premises which they consider to be impacting on trade and putting customers off coming into the town centre. Some examples are available in Appendix 1.
- 2.9 The Central Bolton Partnership<sup>4</sup> and Regulatory Services have identified unregulated selling and street trading as problematic, which damages the business of legitimate traders. Street pedlars, in particular, are an issue, which

<sup>3</sup> Ambition for Ageing is a partnership between Age UK, Bolton CVS and Bolton at Home supported by funding from the Big Lottery.

<sup>4</sup> Central Bolton Partnership is an alliance between Bolton Council, Greater Manchester Police, NCP and Town Centre Businesses (80) covering the daytime and night-time economy.

is exacerbated during the council's programme of events, e.g. Food and Drink Festival and Winter Festival, including other high profile events such as Iron Man. These large scale events attract more pedlars to the town centre drawn by the increase of visitors. Recent activity carried out by Regulatory Services highlights that some of the products on offer for sale do not meet the appropriate product safety legislation and large seizures have been made.

- 2.10 Street pedlars are required to ply their trade from town to town, moving between sales. Selling goods from a static position requires a Street Trading Licence. Complaints from businesses are mostly in regards to obstruction and the sale of goods in competition with shops without paying for a street trading licence.
- 2.11 Face-to-face fundraising is the personal solicitation (almost always by a professional fundraiser) of a regular charity donation via a direct debit. Charity cash collections on the street – the type usually done by volunteer 'tin rattlers' – need a licence from the council under the Police, Factories etc. (Miscellaneous Provisions) Act 1916. Since the Act states specifically that licences are only required for collections of money and Direct Debits are not considered to be money in law: they are 'promises of money' at a later date, chuggers are outside of the licensing regime. The Shopper survey highlighted that visitors to the Town Centre were put off by the aggressive nature of some of these collections, including the practices of commercial organisations.
- 2.12 Neighbourhood Services has reported concerns with; the level of waste and clean-ups required after the distribution of publicity materials and the marking of surfaces, and damage created by skateboards / scooters mounting street furniture in the Town Centre. Officers have also identified problems with the use of advertisement boards by businesses. It is essential for many people, including the visually impaired, those with mobility issues, wheelchair users and parents or carers with pushchairs to have a clear route along a pavement / pedestrian walkway, especially in a busy Town Centre environment. Negotiating past shop premises too often involves running the risk of injury due to advertisement boards being unnecessarily displayed on the pavement.
- 2.13 The Central Bolton Partnership has identified concerns with cycling through the main pedestrian areas within the town centre due to the injury this could cause to members of the public. Officers are aware of circumstances that have resulted in collisions between cyclists and pedestrians and several 'near misses'. One particular case resulted in a serious injury to an elderly person.
- 2.14 The Council has received several reports from businesses, visitors to, and staff based at, the Town Hall of loud music by street based entertainers who use amplifiers to increase the level of sound. Often these entertainers remain in the same place for several hours, or the whole day, without moving location. Individuals report that this is causing them nuisance and annoyance, particularly when this goes on for prolonged periods of time.

### **3. CURRENT ENFORCEMENT ACTIVITY**

- 3.1 A referral system has been set up so that officers from the trading standards service can respond to reports of street pedlars in the town centre. The officers have been examining the goods that the pedlars are selling to ensure that they comply with product safety and other relevant trading standards legislation. The main problems so far have been found with incorrectly labelled toys (particularly fidget spinners). Non-compliant goods have been seized and signed over for destruction. A leaflet on toy safety has been prepared to advise pedlars of their legal responsibilities. Details of the traders' pedlar certificates are being taken to build up a database of intelligence on those visiting Bolton.
- 3.2 Proactive teams of trading standards officers are attending major events in the town centre to challenge pedlars and illegal street traders, where possible working jointly with licensing enforcement officers and Greater Manchester Police. So far officers have been on duty across the Iron Man / Iron Kids weekend and during the Food & Drink and Winter Festivals. The need for officers at events will be assessed on an ongoing basis.
- 3.3 A street trading policy is being produced to set-out the council's approach on all street trading activity within the Town Centre. Bolton Council currently has a Site Management Agreement (SMA) with the Public Fundraising Regulatory Agency (PFRA) which seeks to regulate the activity of fundraisers (chuggers) in Bolton town centre. It is intended to review the SMAs part of the process of producing the street trading policy. To assist with the review licensing enforcement officers have been monitoring the activity of fundraisers in town centre to determine the levels of compliance with the SMA.
- 3.4 The Council is aware of the need and obligations under legislation and its own policies to protect and support the most vulnerable people in the borough. This includes those who are homeless and sleep rough. The Council currently works with a number of partners both statutory and voluntary to provide help and support for vulnerable households and in particular those that are at risk of homelessness. The Council's approach is set-out in the Homelessness Strategy Statement 2017 – 2021 (and supporting documents).
- 3.5 The Central Bolton Partnership lead and manage a multi-agency group (including Police, Community Safety Services, Housing Options and Urban Outreach) to specifically tackle rough sleeping and the issue of on-street begging in and around the town centre. The group monitors a list of individuals and actively seeks to engage individuals through regular on-street outreach involving the Council's Help for Single Homeless service, Vulnerable and Homeless Community Nursing team, and Urban Outreach Streetlife service. There is regular liaison and information / intelligence sharing through this multi-agency group.
- 3.6 In a high proportion of instances of begging activity, the individuals involved seek to present their circumstances to the public as being homeless and rough sleeping.

- 3.7 Where someone is identified as sleeping rough, appropriate assistance is offered and provided. It is noted that of the 40 or 50 individuals identified as being involved or suspected of involvement in begging activity, consistently around 80% are either not homeless and/or not rough sleeping and only a small proportion of those who are rough sleeping actually engage in begging activity. Whilst a further small proportion may be in precarious accommodation arrangements, a significant proportion of those engaged in begging activity are known to have secure accommodation and be in receipt of appropriate benefits.
- 3.8 Decisions to pursue enforcement action are based on consideration of individual case circumstances. An account is taken of the nature of their behaviour; their accommodation arrangements; access to sources of income; any particular issues relating to their health, wellbeing and vulnerability; and response to efforts to engage with outreach and offers of a range of assistance.
- 3.9 The Council is confident in the positive efforts made to support individuals in need including the help offered to vulnerable individuals including those with housing needs. Decisions to pursue enforcement action are taken carefully in all individual cases, are not pursued as first resort and parallel offers of support and assistance are maintained throughout.
- 3.10 Action Days are periodically carried out by a cross section of council services, working in partnership with other agencies. Recent activity was carried out during December 2017 focusing on 'crime and grime'. The operation involved thirteen separate Council services and external organisations as part of a strategic targeted approach to coordinated enforcement activity across the Town Centre. The exercise was regarded as highly successful producing positive results in the detection of criminality in areas such as licensing, immigration, trading standards, environmental enforcement and begging.

#### **4. ADDITIONAL ENFORCEMENT POWERS**

- 4.1 An assessment of appropriate legislation and statutory guidance has been undertaken, including best practice from other local authorities, with a view to identifying local policy options available to the Council with regard to intervening, regulating and enforcing against these activities which impact on the viability of Bolton Town Centre.
- 4.2 Whilst the council is working to address and respond to some of the challenges there are additional powers which would further assist and give the council greater control over the Town Centre enforcement landscape.

## Legislative background – Public Spaces Protection Order

- 4.3 The Anti-social Behaviour, Crime and Policing Act 2014 introduced several tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas.
- 4.4 Public Spaces Protection Orders (PSPOs) are one of the tools available under the Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.
- 4.5 Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.
- 4.6 The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions).
- 4.7 The maximum duration of a Public Spaces Protection Order is three years but, at any point before expiry, the Order can be extended by up to three years if considered necessary to prevent the original behaviour from occurring or recurring.

## Breach of a PSPO

- 4.8 Breach of a PSPO without a reasonable excuse is a criminal offence, resulting in a Fixed Penalty Notice (FPN)<sup>5</sup> or a prosecution resulting in a fine of up to £1,000 on conviction. The FPN can be issued by a Police Officer, PCSO, Council Officer or other person designated by the council.
- 4.9 A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for an offence by payment to the Council the amount specified in the notice. No proceedings can be taken before the end of 14 days following the date of issue for the notice. A conviction may not be sought if the recipient pays the FPN before the end of that period. All unpaid fines will result in the full facts being reported to the Council's Legal Services Department with a view to prosecution.
- 4.10 Fixed penalty notices are one of a number of enforcement tools used to tackle crime/ ASB and as a means to change offending behaviour, and are used as an alternative to prosecution. These will be used by enforcement officers in conjunction with formal warnings, which may in themselves be sufficient to change behavior.

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<sup>5</sup> FPN: £100 with an early repayment option of £75 if paid within 10 days.

- 4.11 A fixed penalty notice will only be issued where the enforcement officer is confident that the correct identity details have been provided. Failure to supply a name and address, or to supply false details, to an authorised officer is a criminal offence and Bolton Council will work with Greater Manchester police, where relevant, to ensure that correct details are obtained. All Officers involved in enforcing a PSPO must be duly authorised under the Council's scheme of delegation.
- 4.12 Begging is illegal under the Vagrancy Act 1824 and is a criminal offence enforced by the police by way of arrest and summons to court. It is a recordable offence which allows the court to impose community sentences. Including this measure in the PSPO is not designed to target vulnerable individuals but to tackle those that use loopholes in existing legislation to beg 'professionally'. The PSPO provides an alternative to arrest, through FPNs or a summons to court. The use of enforcement action in the form of a fixed penalty notices will only be pursued once all other early intervention and prevention- tactics have been explored and instigated. All individuals identified as begging will be referred into the multi-agency group (highlighted in 3.5) to determine the most appropriate intervention and to ensure all support options have been explored.

#### Experience of Local Authorities that have introduced PSPOs

- 4.13 Since the Act came into effect, Bolton has implemented five PSPOs which involve a restriction on the highway (previously known as Alley Gating Orders). Under the transitional arrangements of the Act, on 20<sup>th</sup> October 2017 the borough-wide Designated Public Place Order (restricting on-street alcohol consumption in a public place) automatically reverted to a PSPO, as did the four Dog Control Orders<sup>6</sup> currently in force throughout the borough.
- 4.14 Research has been undertaken with other councils that have introduced PSPOs to determine their use, scope and effectiveness. Many Local Authorities across the country have implemented a PSPO for their town / city centre to address the similar types of issues / behaviours that Bolton is facing.
- 4.15 The learning from other areas is that the PSPO is not a panacea to solving all the issues faced by a Town Centre. Where they are effective is that they are targeted at specific behaviours / issues providing additional powers that can be used in a balanced approach alongside other tools and interventions. The specific power to issue a Fixed Penalty Notice in certain circumstances is seen as a welcome tool for enforcement officers, and a wider staff base (supported by training).

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<sup>6</sup> These orders include the following offences; failing to remove a dog faeces; not keeping a dog on a lead; not putting, and keeping, a dog on a lead when directed to do so by an authorised officers, and permitting a dog to enter land from which dogs are excluded.

## **5. CONSULTATION**

- 5.1 The Council is required under the legislation to carry out consultation and necessary publicity and notification before making a PSPO.
- 5.2 As a minimum the Council must consult with the Chief Officer of Greater Manchester Police, appropriate community representatives, and the owners or occupiers of land in the area to be designated (where reasonably practicable).
- 5.3 The Council would need to publish the proposed wording of the Order and the proposed designated area.
- 5.4 During the consultation process the Council will seek comments on whether a PSPO is required, the proposed wording of the Order and the proposed area to be designated (i.e. Bolton Town Centre). The Council will consult, over a 6 week period, with the following stakeholders:
- Chief Constable (Greater Manchester Police)
  - Greater Manchester Deputy Mayor for Policing & Crime
  - Town Centre Businesses / Central Bolton Partnership
  - Residents and visitors (via a survey)
  - Ward Councillors
  - Housing Options(Homelessness)
  - Other Council Services
  - Transport for Greater Manchester
  - Bolton Community & Voluntary Service
- 5.5 A detailed consultation plan (see Appendix 3) has been developed in conjunction with the Council's Consultation and Research lead.
- 5.6 Findings from the consultation and final endorsement of the Order will be brought back to the Executive Cabinet Member for approval.

## **6. PSPO PROPOSAL**

- 6.1 The proposed Public Spaces Protection Order will give the Council the relevant powers of enforcement needed to tackle the issues specific to the local area and make our community a safer, more pleasant place for anyone who visits, lives or works in our town centre. The Council, taking joint responsibility with GMP, is committed to improving the quality of life for residents, businesses and visitors to the town centre.
- 6.2 Depending on the outcome of the consultation the Council will consider introducing a Public Spaces Protection Order to cover some or all of the following activities;
- Consumption of alcohol on street
  - Consumption of intoxicating substances

- Anti-social Behaviour
- Begging (in particular aggressive begging)
- Peddling / street trading
- Soliciting for money in the street (commercial)
- Soliciting for money in the street (charity)
- Distribution of publicity materials
- Obstructing the highway
- Marking of surfaces
- Use of amplifiers
- Use of skateboards, bicycles and scooters

6.3 The detailed description of each of the above prohibitions is set-out in Appendix 2 of this report.

## **7. EQUALITY IMPACT ASSESSMENT**

7.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

7.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (EIA) has been completed for the proposals outlined in this report, and is available under Appendix 3.

7.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposals on people from Bolton's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected.

7.4 At this stage, it is not anticipated that the proposals will have a significant disproportionate impact on any of Bolton's diverse groups.

## **8. RECOMMENDATIONS**

8.1 The Council is satisfied on reasonable grounds that the specific activities described in the proposed PSPO are being carried out in Bolton Town Centre and will continue to have a detrimental effect on the quality of life of those people in the locality. This would include shoppers, residents and the owners of local businesses.

- 8.2 The Council is satisfied that the effect of the activities described in the proposed PSPO is of a persistent nature, are unreasonable and fully justify the restrictions being imposed by the proposed PSPO.
- 8.3 If approved, a consultation exercise will take place to further inform these proposals.
- 8.4 Recommendations are set-out at the front of this report.

## **APPENDIX 1 – Examples of reports sent to the council about the issue of begging**

The below examples are used for illustrative purposes and do not represent the total number of complaints / comments received by the council about the issue of begging in the Town Centre.

### **Sunday 21<sup>st</sup> January 2018**

“I was sitting at a window table in Greggs at the top of Knowsley street, I was the only customer, when a man walked past, clocked me sitting there and proceeded to hang about outside for the next 10 mins. I knew he was waiting for me to leave as he ignored other people passing him by.

Surely, as I left he approached me, stood right in front of me, cutting me off from the way I was heading, asking for money. Very scared I shouted go away and headed back to Greggs for safety. The staff were understanding as they knew of him.

We watched him for a while and it would seem he prefers to target lone women - first by looking into cafes (he tried McDonalds and cafe Nero) to see who he could follow when they leave, or failing that just those passing by on the street.

This is not the first time I have been intimidated and threatened by the numerous "beggars" in Bolton Centre but it has to be the last as I now feel I cannot come to Bolton and be safe anymore and this is such a shame.

I just wanted to share this horrible experience with yourselves. I am now disabled, use a stick and felt very, very vulnerable today.”

### **Comments from Town Centre Businesses:**

"Begging in the Town Centre has definitely become more aggressive, and more customers and staff are being harassed and intimidated" (including elderly and vulnerable)

"Bolton footfall has been in decline for the last couple of years, due in part, to the presence of beggars"

"There is definitely a correlation with the increase in theft from stores in the town, and the increased presence of beggars in the town" (Bolton is among the highest stock loss stores in the North West)

"There is definitely a beggars/shoplifters network, with a hierarchy who also have regular venues for the onward sale of stolen goods"

"Beggars are aware that their behaviour will not be challenged, as police resources are overstretched"

“It has become increasingly apparent over the past several months that there are more ‘beggars’ in the town centre.

This does not present a positive image of the town at a time when we are trying to attract more people to come and shop and enjoy leisure time with us.

We are getting an increasing number of comments from people saying that the number of people on the streets has put them off coming into the town centre.

I would like to stress that we are genuinely concerned about the wellbeing of vulnerable people and hope they get all the help and support they need.

I feel it is important that we voice our concerns about the detrimental effect the issue is having in terms of people visiting the town centre.

## APPENDIX 2

### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

#### DRAFT PUBLIC SPACES PROTECTION ORDER: BOLTON TOWN CENTRE

This Order is made by Bolton Council (referred to hereafter as “the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Council is satisfied that there is anti-social behaviour of a persistent or continuing nature being carried out, or it is likely that such activities will be carried out within the area to which this order applies. This is having or it is likely to have a detrimental effect on the quality of life of those in the locality and the effect of these activities is of a persistent or continuing nature, such as to make the activities unreasonable. As such the council is satisfied that the conditions set out in the Act have been satisfied and that in all circumstances it is just and expedient to make this order.

The Council hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within Bolton Town Centre as shown edged in blue on the attached plan (“Prohibition Area”). This Order may be cited as the Bolton Town Centre Public Spaces Protection Order (the Order) and will come into force on xx.

#### **1. PROHIBITED ACTIVITIES**

The activities which are prohibited at all times by this Order are:

##### **1.1 Consumption of alcohol on street**

All persons are prohibited from, within the prohibition area, consuming alcohol or having an open alcohol container after having been requested by an authorised officer to cease consumption or hand over the container, unless subject to exemptions listed in section 5.

##### **1.2 Intoxicating Substances**

All persons are prohibited from, within the prohibition area, ingesting, inhaling, injecting, and smoking or otherwise use intoxicating substances.

##### **1.3 Anti-social Behaviour**

All persons are prohibited from, within the prohibition area, behaving in a way which causes or is likely to cause harassment, alarm or distress to a member or members of the public within the prohibition area.

##### **1.4 Begging on the street**

All persons are prohibited from, within the prohibition area, placing themselves in a position to beg or solicit money in the prohibition area.

### **1.5 Peddling / street trading**

All persons are prohibited from, within the prohibition area, peddling / trading goods without an appropriate street trading license issued by the Council.

### **1.6 Soliciting for money in the street (commercial)**

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment or the seeking of a standing order or direct debit authority) within the prohibition area unless they are in possession of a written authorisation from the Council.

### **1.7 Soliciting for money in the street (charity)**

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment, seeking of a standing order or direct debit authority, or the selling of goods for a charitable purpose) within the prohibition area unless they are in possession of a written authorisation from the Council. Appropriate permissions to carry out cash collections in the prohibition area should be obtained from the council in advance.

### **1.8 Distribution of publicity materials**

All persons are prohibited from selling or distributing any materials for commercial gain within the prohibition area unless they have the appropriate prior permission from the council. Registered charities, registered political parties, and religious organisations are exempt.

### **1.9 Obstructing the highway**

All persons are prohibited from causing or permitting an obstruction on the carriageway of a street in the prohibition area after having been requested to remove the obstruction from the carriageway by an authorised officer. This includes A-boards and other forms of unauthorised street advertisement.

### **1.10 Marking of surfaces**

All persons are prohibited from directly marking surfaces such as walls or pavements with paints, chalk or similar, within the prohibition area.

### **1.11 Use of amplifiers**

All persons are prohibited from using a loudspeaker or amplification by electronic means on the public highway, within the prohibition area.

## **1.12 Use of skateboards and scooters**

All persons are prohibited from, within the prohibition area, using a skateboard or scooter in such a manner that causes, or is likely to cause, danger or damage, or give reasonable grounds for annoyance or nuisance to another person.

## **1.13 Use of bicycles**

All persons are prohibited from cycling / riding a bicycle within a specified part of the prohibition area (edged in red on Plan 1 and Plan 2).

## **2. DEFINITIONS**

- 2.1 In this order public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 2.2 Authorised Officer means a Police Constable, a Police Community Support Officer or an Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.3 Intoxicating substances means substances with the capacity to stimulate or depress the central nervous system.
- 2.4 'Alcohol' has the meaning given by section 191 of the Licensing Act 2013.
- 2.5 Scooter means "conveyance consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground" or any other variation of the same designed or adapted for similar purpose, whether having a handle or otherwise.

## **3. PERIOD FOR WHICH THE ORDER HAS EFFECT**

- 3.1 This order shall come into force on a date to be determined following consultation and remain in place for a period of three years, unless extended by further orders under the council's statutory powers.

## **4. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

- 4.1 It is an offence under the Act for a person without reasonable excuse to engage in activity that is prohibited by this order.
- 4.2 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 (£100). 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 (£100).

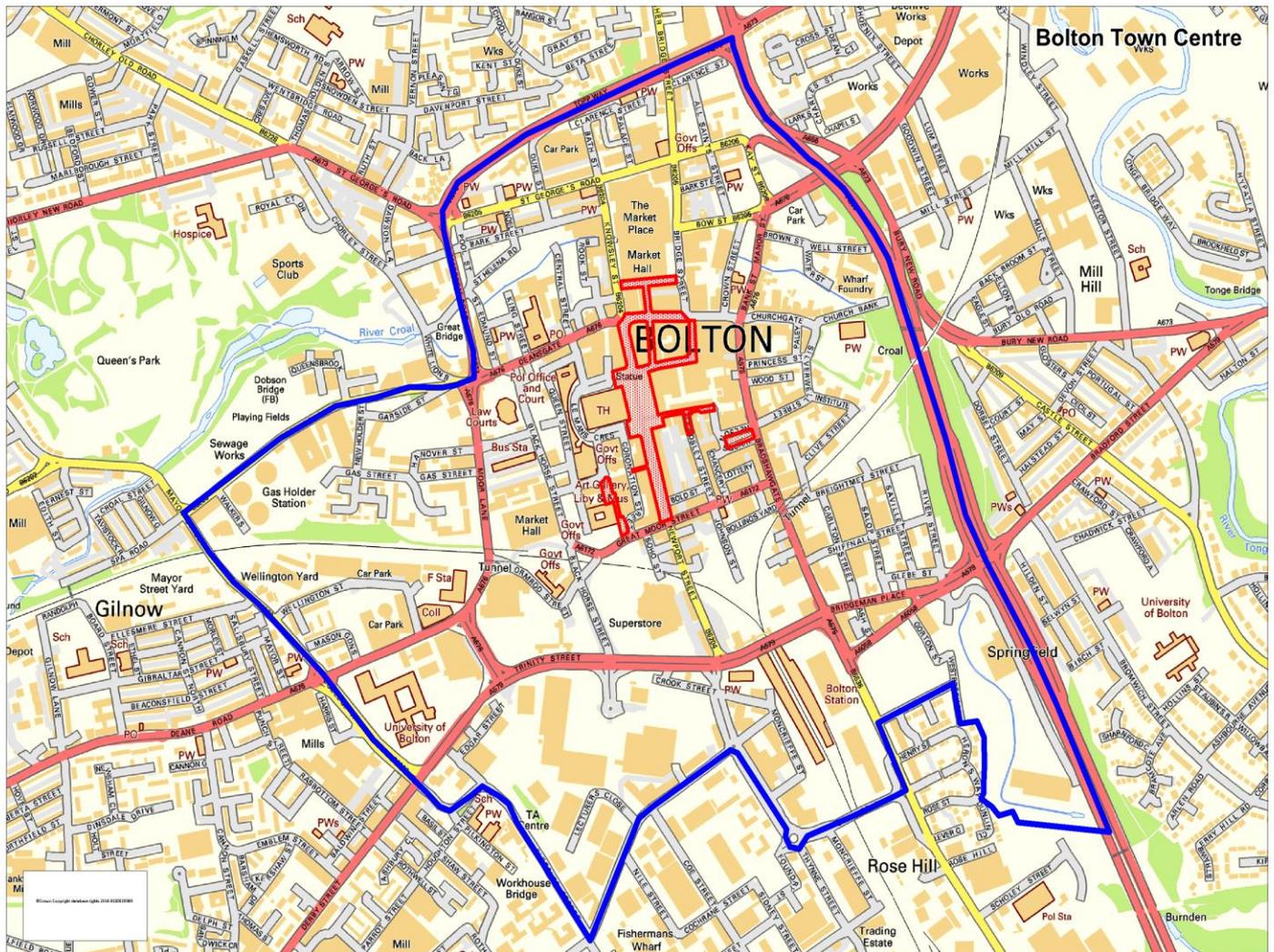
- 4.3 Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a Police Officer, a Police Community Support Officer, council officer or other person designated by the council. In making the decision to issue a fixed penalty notice, the officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, if payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Public Spaces Protection Order).

## **5. EXEMPTIONS**

- 5.1 Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises or public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of section 115E of the Highways Act 1980.
- 5.2 Prohibition 1.12; The use of skateboards and scooters does not apply to the dedicated skate park located at Great Moor Street (corner of Dawes Street).

## **6. PROHIBITION AREA: PLAN 1**

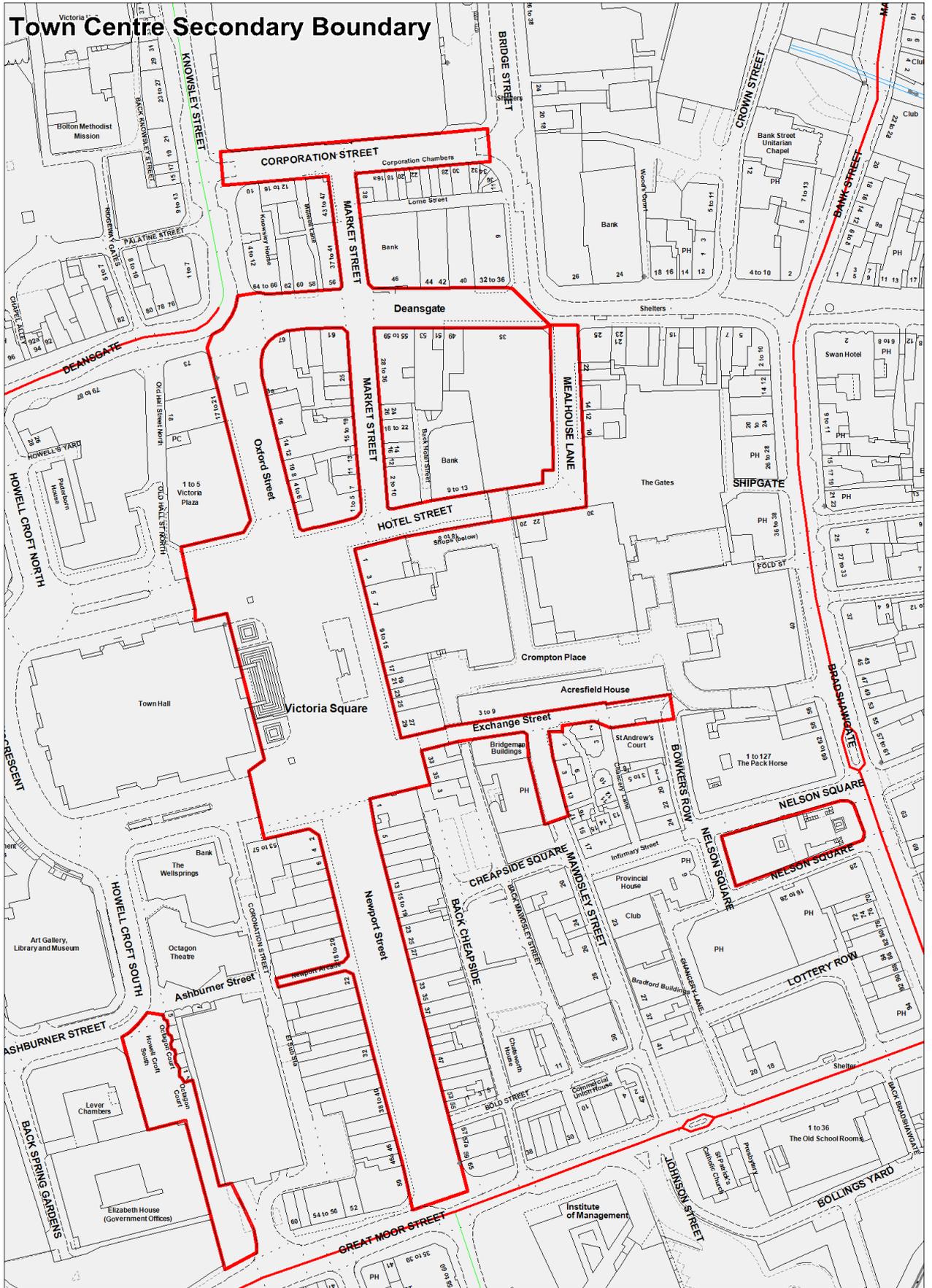
- 6.1 Plan 1 (page 19) highlights the boundary of the prohibition zone edged in blue, covering prohibitions 1.1 – 1.12 (inclusive). It also includes a secondary prohibition area edged in red, which only applies to prohibition 1.13 (use of bicycles).



## 7. PROHIBITION AREA: PLAN 2

- 7.1 Plan 2 (page 20) highlights the secondary prohibition area edged in red, which only applies to prohibition 1.13 (use of bicycles).

# Town Centre Secondary Boundary



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