

Notice is hereby given that Copeland Borough Council exercise of its powers under Section 59 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act") proposes to make the following Order:-

PROPOSED DRAFT ORDER

COPELAND BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER NUMBER of 2017 (the "ORDER")

AREA OF COPELAND

This Order may be cited as Copeland Borough Council, Public Spaces Protection Order Number **XX** of 2017.

Copeland Borough Council exercises its powers under Section 59, and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on XX XXXXXX 2017 and shall have an effect for 3 years thereafter, unless extended by further order under the Council's statutory powers.
2. This Order relates to the part of Copeland Borough Council, Areas of Copeland as shown edged black on the attached plans ("the Exclusion Zone").:-

Whitehaven

a) Whitehaven Town Centre

"Whitehaven Town Centre is defined as including:

Tangier Street to the North of the Shipwrights Arms

George Street along its Northern edge

Queen Street along its Eastern edge

The Market Place to its Southern edge

Swingpump Lane to its Southern edge

Rosemary Lane to the West of the Dusty Miller

(This is in effect the Town Centre including the harbourside.);” and including :-

Castle Park; Mount Steps and the area abutting Rosemary Lane; Land extending from the existing designated for Whitehaven Town Centre southwards and westwards along Harbour View, Rosemary Lane, Albion Street, Preston Street and Ginns, south along Coach Road, and Castle Close, Midgey, East along Loop Road South and North along High Street and Bransty Road.

b) Land at Hensingham.

c) Land at High Road Kells including Playing Fields adjacent to the library, St Mary's Church Primary School, Kells County School, Lawsons Close, South Row and the 2 open areas to the rear of South Row bordering with West Row and Mid Street.

Cleator Moor

- d) Cleator Moore Town Square.
- e) Land extending from the existing designation for Cleator Moor Town Centre southwards, along Jacktrees Road to include the play area opposite Earl Street, Eastwards along Ennerdale Road to its end, Northwards along Birks Road up to and including Aldby Street, Westwards along High Street to the Job Centre.

Distington

- f) Main Street Distington.

Egremont

- g) Main Street Egremont, up to and including the Memorial and including Main Street, Egremont and including the "Horn of Egremont"
- h) Egremont Castle.
- i) Land to the North of Main Street and South Street, Egremont covering Chapel Street, Ehen Court Road, Lamb Lane, Church Street, Croft Terrace, Wyndham Place, Beck Green (Skate Park) and Cross Side and adjoining open space to the North and East

Frizington

- j) Frizington Road, Frizington from the 30mph sign entering the village to the junction of Coronation Drive/Mill Street, Frizington.
- k) Main Street Frizington from the 30mph sign entering the village to the junction of Coronation Drive/Mill Street, Frizington.
- l) Mill Street Frizington from the 30mph sign entering the village to the junction of Coronation Drive/Mill Street, Frizington.
- m) Mill Street Frizington from the 30mph sign entering the village to the junction of Coronation Drive/Frizington Main Street, Frizington.
- n) Playpark to the rear of Coronation Drive, Frizington.
- o) The grounds of St Paul's Churchyard, Frizington excluding St Paul's Church itself.

Millom

- p) Market Place, Millom
- q) St Georges Park Millom and Land adjoining streets including St Georges Terrace and St Georges Road from its junction with Station Road to Park View Nursery School.

3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating alcoholic substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. Person(s) within the Exclusion Zone will not: consume alcohol, or be in possession of an open container of alcohol in a public space.
2. Exemptions shall apply in cases where for the avoidance of doubt the consumption of alcohol is on premises or public space licensed under the Licensing Act 2003.
3. Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 2 above): surrender in accordance with the requirements under section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act.
4. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
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 up to £100.

APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX: Street plans of the affected areas in Copeland showing the Exclusion Zone edged in red.

Given under the Common Seal of
Copeland Borough Council
On the

.....day of.....2017

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed in
the presence of:

..... Authorised Officer

..... Designation