

Public Spaces Protection Order Number (4) of 2020 (varied on 31 January 2022) (the “order”) area of Burmantofts.

Anti-Social Behaviour, Crime And Policing Act 2014.

This Order may be cited as Leeds City Council, Public Spaces Protection Order Number (4) of 2020.

Leeds City Council exercises its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers and makes this Order:

1. This Order shall come into operation on 16 November 2020 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 Leeds City Council, Area of Burmantofts as shown edged black on the plan in the Appendix (the ‘restricted area’).
3. This Order provides additional prohibitions and requirements for the internal and external public places including car parks within the Leeds Teaching Hospitals NHS Trust (LTHT), St James’s University Hospital and includes but is not exclusive to the Gledhow Wing, Lincoln Wing, Bexley Wing, Beckett Wing, Chancellors Wing, the Trust Headquarters, the Multi Speciality Outpatients, Ashley Wing, David Beevers Day Unit, Robert Ogden Centre, and the Thackray Medical Museum.
4. 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/ or criminal activities have been carried out within the restricted area including the Leeds Teaching Hospitals NHS Trust (LTHT), St James’s University Hospital through the use of intoxicating alcoholic substances, and/or ‘anti-social behaviour’; or through the lack of control of ‘household waste’. 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.
5. Prohibitions and requirements relating to alcohol in this order do not apply to premises authorised by a premises licence or premises club certificate to be used for the supply of alcohol under the Licensing Act 2003, a place within the curtilage of such premises, or to premises or places otherwise exempt from the operation of this Public Spaces Protection Order by Section 62 Anti-Social Behaviour Crime and Policing Act 2014.
6. For the purpose of this order “psychoactive substance” has the meaning given to that term by the Psychoactive Substances Act 2016.

Prohibitions relating to alcohol:

7. No person within the restricted area may consume alcohol in a public place.
8. No person within the restricted area may be in possession of an open container that is open and contains alcohol in a public place.

Requirements relating to alcohol:

9. Any person within the restricted area who is reasonably believed by a constable or authorised person to be consuming alcohol, to have been consuming alcohol or to intend to consume alcohol in breach of a prohibition of this order must stop consuming alcohol or anything which the constable or authorised person reasonably believes to be alcohol when required to do so by a constable or authorised person.
10. Any person within the restricted area who is reasonably believed by a constable or authorised person to be consuming alcohol, to have been consuming alcohol or to intend to consume alcohol in breach of a prohibition of this order must surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be alcohol or a container for alcohol.

Prohibitions relating to Leeds Teaching Hospitals NHS Trust (LTHT), St James's University Hospital:

This section of the Order applies to all persons within a public place of Leeds Teaching Hospitals NHS Trust (LTHT), St James's University Hospital. The prohibitions and requirements at 8-11 also apply to these areas.

11. No person within a public place of LTHT, St James's University Hospital may without reasonable excuse:
 - be in possession of controlled drugs or psychoactive substances
 - harass or cause distress to any other person, including members of staff
 - refuse to leave after medical treatment
 - refuse to leave when not requiring medical treatment or visiting a patient
 - be involved in any other activities which may cause a detrimental effect to staff and patients

Requirements relating to Leeds Teaching Hospitals NHS Trust (LTHT), St James's University Hospital:

12. Any person within a public place of the Leeds Teaching Hospitals NHS Trust (LTHT), St James's University Hospital must leave the premises of Leeds Teaching Hospitals NHS Trust (LTHT), St James's University Hospital when instructed to do so an employee or agent of the LTHT, or by an authorised person.

Household waste:

13. This section of the Order applies to all persons in a position to control residential premises (referred to as "the relevant person") that are within the specified area, (all such premises referred to hereafter as "relevant premises") and includes any person residing permanently or temporarily, by legal right or simple occupation, at relevant premises and also any owner or managing agent of relevant premises.

14. Each relevant person shall have an equal and separate responsibility in relation to the household waste requirements set out in this order whether physically present at the relevant premises at the relevant time or not.

Requirements relating to household waste:

15. Each relevant person must ensure that all household waste presented for collection from their premises is contained in a wheelie bin or is presented for collection in a manner specified for their property by Leeds City Council.

16. Each relevant person must ensure that the wheelie bin for their property or waste presented for collection in a manner specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 9pm on the day of collection unless the wheelie bin is in an identifiable bin storage area or yard for wheelie bins of their property.

Fixed penalty notices and offences:

17. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order (other than by consuming alcohol in a public place or by being in possession of an open container of alcohol in a public place) or to fail to comply with any requirement of this Order.

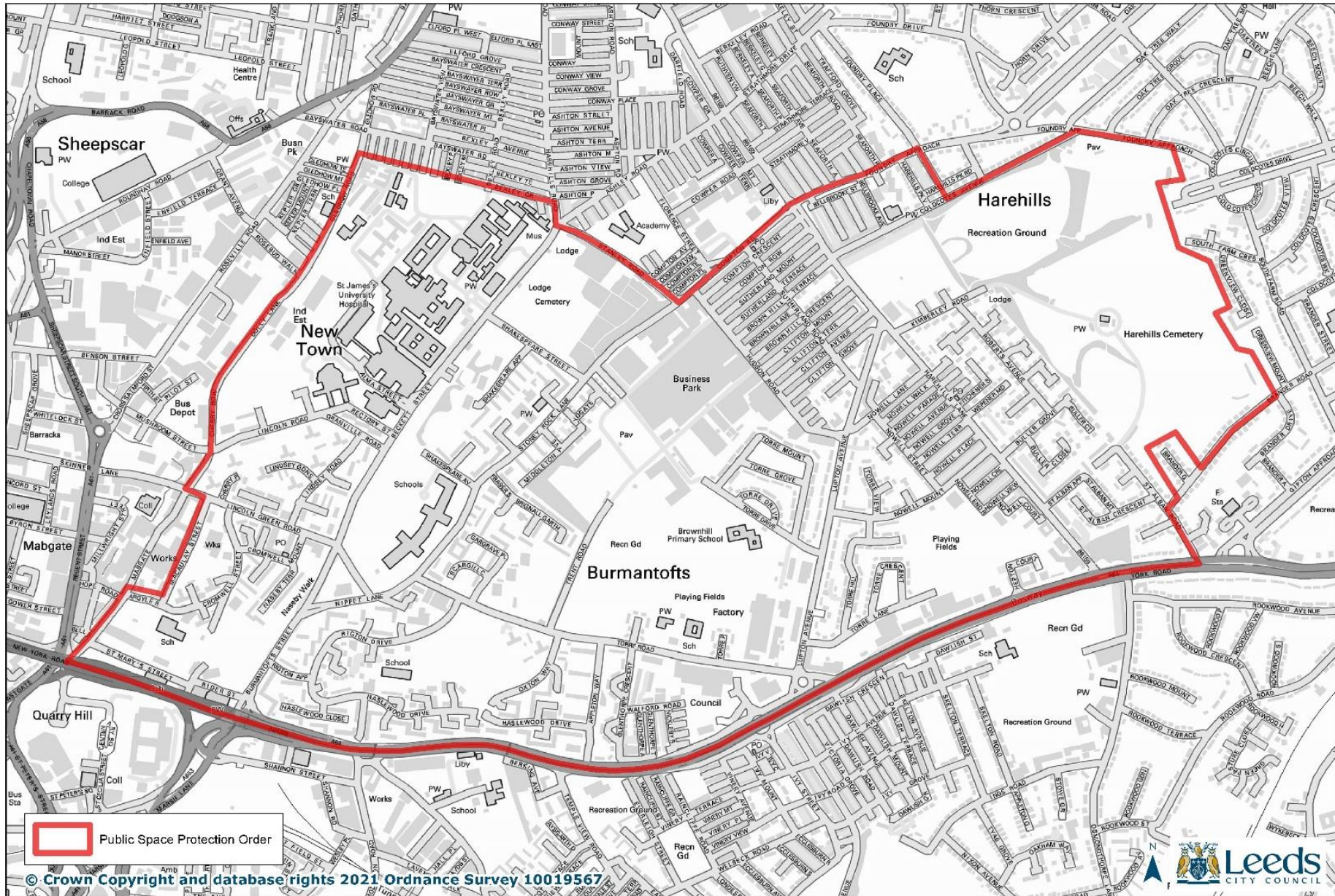
18. In accordance with section 63 of the Act, a person who fails to comply with a requirement of a constable or authorised person to stop consuming alcohol in breach of this Order, or fails to comply with a requirement of a constable or authorised officer to surrender alcohol is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty of up to £100.

19. In accordance with section 67 of the Act, a person who breaches this Order other than by consuming alcohol, possessing an open container of alcohol, failing to comply with a requirement of a constable or authorised person to stop consuming alcohol or by failing to comply with a requirement of a constable or authorised officer to surrender alcohol is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty of up to £100.

Appeals:

20. 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.

A street plan of Leeds City Council's Area of Burmantofts showing the restricted area edged in red:



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