

## **NUNEATON & BEDWORTH BOROUGH COUNCIL**

### **NOVEL PSYCHOACTIVE SUBSTANCES PUBLIC SPACE PROTECTION ORDER 2022 (the "Order")**

#### **SECTION 59 ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014**

Nuneaton & Bedworth Borough Council ("the Authority") in exercise of its powers under Sections 59, 64 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 may be cited as the Nuneaton & Bedworth Borough Council Novel Psychoactive Substances Public Spaces Protection Order 2022.
2. This Order shall come into operation on 11 October 2022 and shall have effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
3. This Order relates to those parts of Nuneaton and Bedworth as shown edged red on the attached plan ("the Exclusion Zone").
4. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that the use of psychoactive substances has had a detrimental effect on the quality of life of those in the locality and resultant anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. It is also likely that these activities will continue to be carried out within that area and have such an effect.
5. The Council is also satisfied that the conditions set out in the Section 59(3) of the Act have been met. Namely that the effect or likely effect of the activities is, or 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:** continue to ingest, inhale, inject, smoke, or otherwise use psychoactive substances, or anything which the authorised person reasonably believes to be a psychoactive substance, when asked by an authorised person to stop within the exclusion zone.
2. **Person(s) within the Exclusion Zone will not:** fail to surrender any psychoactive substance, or anything which the authorised person reasonably believes to be a psychoactive substance, in their possession when asked to do so by an authorised person.

A psychoactive substance is defined as: 'a substance with the capacity to stimulate or depress the central nervous system'.

Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

The PSPO makes it an offence to fail to comply without reasonable excuse with any requirement of an authorised person.

An authorised person could be a Police Constable, Police Community Support Officer or Council Officer or their authorised representative and must be able to present their authority on request

**OFFENCES AND FIXED PENALTY NOTICES:**

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 novel psychoactive substances in an anti-social manner or by refusing to surrender such substances or what is believed to be such a substance to an authorised person under the prohibitions referred to above is liable to a Fixed Penalty Notice up to £100 or on summary conviction to a maximum fine not exceeding level 3.

**CHALLENGING THE ORDER:**

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.

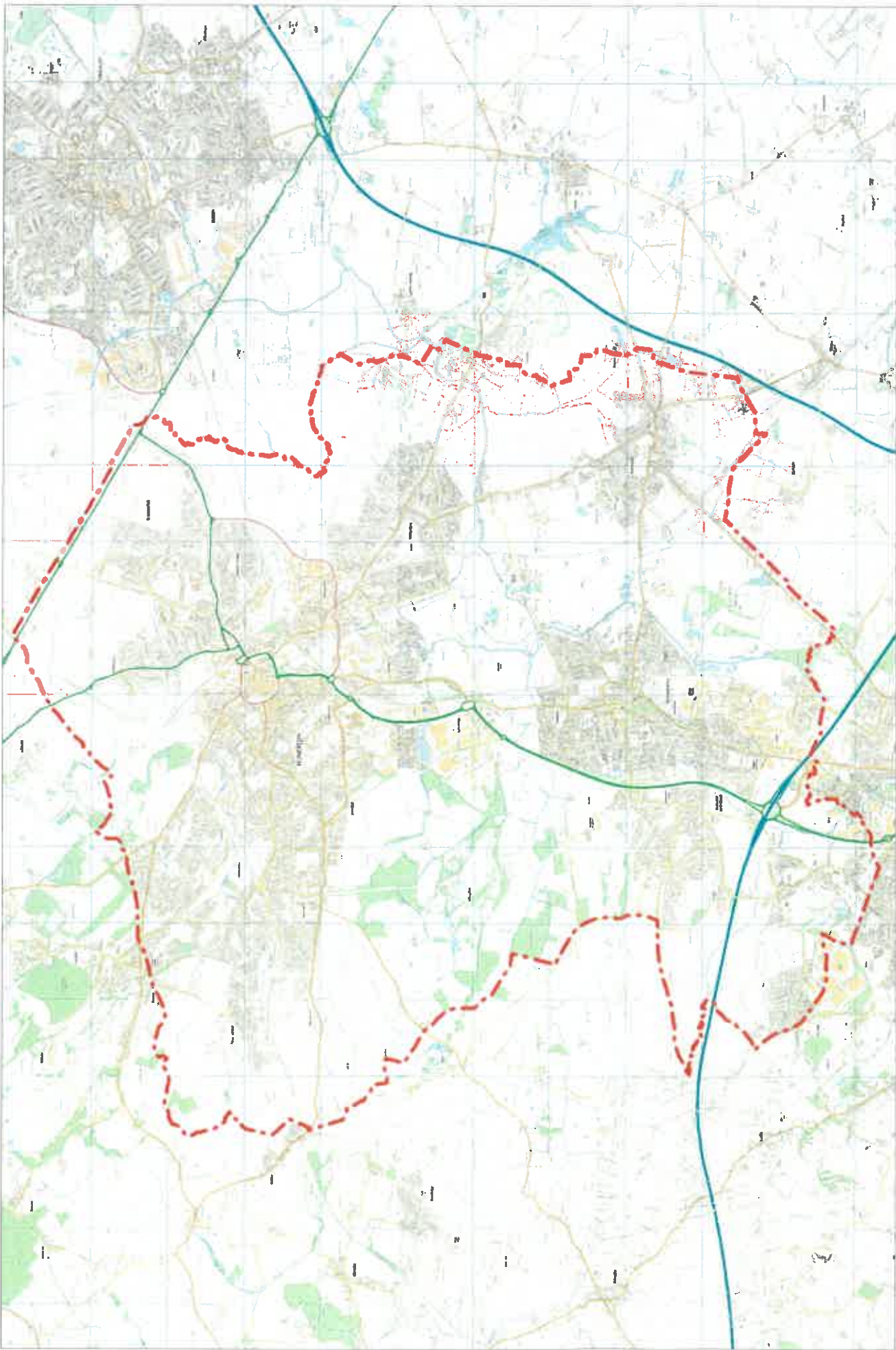
**APPENDICES:**

A street plan of the Borough of Nuneaton & Bedworth showing The Exclusion Zone edged in red.

THE COMMON SEAL of the }  
Nuneaton & Bedworth Borough Council }  
Was hereunto affixed }  
In the presence of: }

*A Pittam*  
AMY PITTAM  
SOLICITOR





**Nuneaton and Bedworth Borough**

**Scale 1:65000**

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