

Appendix II

Prohibitions and actions contained in Public Spaces Protection Order

Person(s) within this area, whilst situated in the street or other public space where the public have access without payment, shall:

- 1) Surrender any intoxicating substance in their possession to an authorised person on request, if:
 - a) they are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances, or,
 - b) they are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, or,
 - c) the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.

Intoxicating Substances is given the following definition (which includes Alcohol and what are commonly referred to as 'legal highs'): Substances with the capacity to stimulate or depress the central nervous system.

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 or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances fall within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.

An authorised person shall be a Police Constable, Police Community Support Officer or Exeter City Council Officer, who must be able to present their authority upon request.

2) Not urinate in a street or public open space

The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment.

Exemptions shall apply where a person urinating is making use of an authorised temporary public urinal/toilet has been provided in accordance with any specification issued by Exeter City Council, and with its agreement.

- 3) Clear away and remove from this area without delay (to the satisfaction of an authorised person) any unauthorised bivouac, bedding or encampment formed in a street together with any associated paraphernalia, when requested to do so by an authorised person and if that person fails to clear away and remove as directed an authorised person may then or on a future date or time confiscate and dispose of any unauthorised bivouac, bedding or encampment found within this area with or without the permission of its owner.

For these purposes, bivouac, bedding and encampment mean any portable shelter used for camping or outdoor sleeping, and include materials used for shelter against the elements, weather or ground.

For this purpose 'unauthorised' means without the express written consent of any owner (or any person having control over or an interest in the land in question).

- 4) Not make unsolicited and or unauthorised request(s) for money (whether expressly requested or impliedly requested by conduct) in a public place from persons not known to the perpetrator.**

For this purpose 'unauthorised' means without the express written consent of any owner (or person having control over or an interest in the land in question).

- 5) Not behave either individually or in a group of two or more people in a manner that has resulted or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour.**
- 6) Persons within this area who breach Prohibition 5 while in a group shall when ordered to do so by an authorised officer disperse either immediately or by such time as may be specified and in such a manner as may be specified.**