

Knowsley Metropolitan Borough Council

Public Spaces Protection Order (PSPO) – Smoke and Vape Free Zones

Anti-social Behaviour, Crime and Policing Act 2014, Section 52

This draft Order is made by Knowsley Metropolitan Borough Council ("the Council") under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"). Consultation has taken place as required by section 72. The Council is satisfied on reasonable grounds that the activities described below have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; that the effect, or likely effect, is persistent or continuing in nature; is such as to make the activities unreasonable; and that imposing the restrictions set out in this Order is proportionate and justified.

1. Definitions

"Smoke"/"Smoking": means being in possession of a lit tobacco product, herbal cigarette or other product intended for inhalation through combustion, or being in possession of any device (including shisha or hookah) being used to burn any substance for inhalation.

"Vape"/"Vaping": means using an electronic cigarette or similar device to inhale vapour, whether or not containing nicotine, including disposable, rechargeable and refillable devices.

"Public Place": means any place to which the public or a section of the public has access, whether on payment or otherwise, as well as Council-owned or managed land open to the public.

"Designated Smoke and Vape Free Zone": means the areas described in Section 2 and the Schedule to this Order.

"Authorised Officer": means a person authorised by the Council for the purposes of enforcing this Order, including (without limitation) Police Officers, Police Community Support Officers and Council enforcement officers.

2. Designated Smoke and Vape Free Zones

The restrictions in Section 3 apply within the following categories of Public Place across the Borough of Knowsley, where children, young people and non-smokers are present or are reasonably expected to be present:

- Playgrounds and environmental centres in parks (including entrances, play equipment areas and associated seating).
- School grounds including the immediate vicinity of school gates and entrances.
- Youth centres.
- Leisure centres (including main entrances and forecourts).

- Children's centres and family hubs.
- Children's homes (external grounds and entrances open to the public).
- Libraries (external entrances and forecourts open to the public).
- Shakespeare North Playhouse (external areas under Council management open to the public).

The precise boundaries of each Designated Smoke and Vape Free Zone will be shown on maps held by the Council and may be delineated by signage and/or ground markings. The Council may update the Schedule of locations and maps from time to time to ensure clarity and effectiveness.

3. Prohibitions

- A person must not Smoke within any Designated Smoke and Vape Free Zone.
- A person must not Vape within any Designated Smoke and Vape Free Zone.
- A person must, when requested by an Authorised Officer, extinguish any lit smoking material and/or cease vaping and comply with any reasonable instruction given for the purpose of enforcing this Order.

4. Exemptions

- Use of nicotine replacement therapy inhalators (not emitting visible vapour) for medicinal purposes.
- Use of tobacco products or vaping devices strictly for the purposes of educational demonstrations or theatre performances within enclosed premises where the Council has granted prior written consent and where the activity is compliant with all other applicable laws and guidance.
- Occupational use by Council or partner staff in areas expressly designated by the Council for testing or disposal of seized items, subject to risk assessment and where not open to the public.
- If available, vaping in zones which have been specifically designated by the Council and clear signs are provided showing designated vaping zones.

5. Offence and Fixed Penalty

It is an offence under Section 67 of the Act for a person without reasonable excuse to do in a Designated Smoke and Vape Free Zones anything that a person is prohibited from doing by this Order, or to fail to do anything that a person is required to do under this Order.

An Authorised Officer may issue a Fixed Penalty Notice (FPN) pursuant to Section 68 to anyone he/she has reason to believe has committed an offence under this Order. The

amount of the Fixed Penalty shall be set by the Council and published on its website and may be discharged by payment within the period specified in the Notice.

6. Duration, Review and Variation

This Order is made on xxxxxxxx by Knowsley Metropolitan Borough Council under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, is of immediate effect, and shall have effect for a period of three years. This Order can be extended by the Council through its statutory powers under Section 60 of the Act. The Council will keep this Order under review and may vary or extend it where the statutory tests continue to be met.

7. Signage and Communication

The Council will install appropriate signage and/or ground markings at or near entrances and within Designated Smoke and Vape Free Zones, and will take reasonable steps to publicise through different methods of communication regarding the restrictions to ensure awareness and compliance.

8. Enforcement

This Order may be enforced by Authorised Officers. In exercising enforcement powers, officers will have regard to the Council's enforcement policy, proportionality, and safeguarding considerations, particularly where children and young people are present.

9. Challenge to the Order

Any interested person who lives in, works in, or regularly visits the Borough may apply to the High Court to question the validity of this Order under Section 66 of the Act, on the grounds that the Council did not have power to make the Order or that requirement of the Act was not complied with.

Schedule: Categories and Illustrative Locations

Playgrounds and environmental centres in parks: All Council-managed children's play areas; environmental centres including Court Hey Park Courtyard and similar facilities.

School grounds including school gates: All maintained schools, academies and special schools; immediate vicinity of school gates/entrances where the public has access.

Youth centres: All Council or partner-operated youth provision sites open to the public.

Leisure centres: Stockbridge Village, Halewood, Kirkby, Prescott and Huyton leisure centres; entrances, forecourts and publicly accessible grounds.

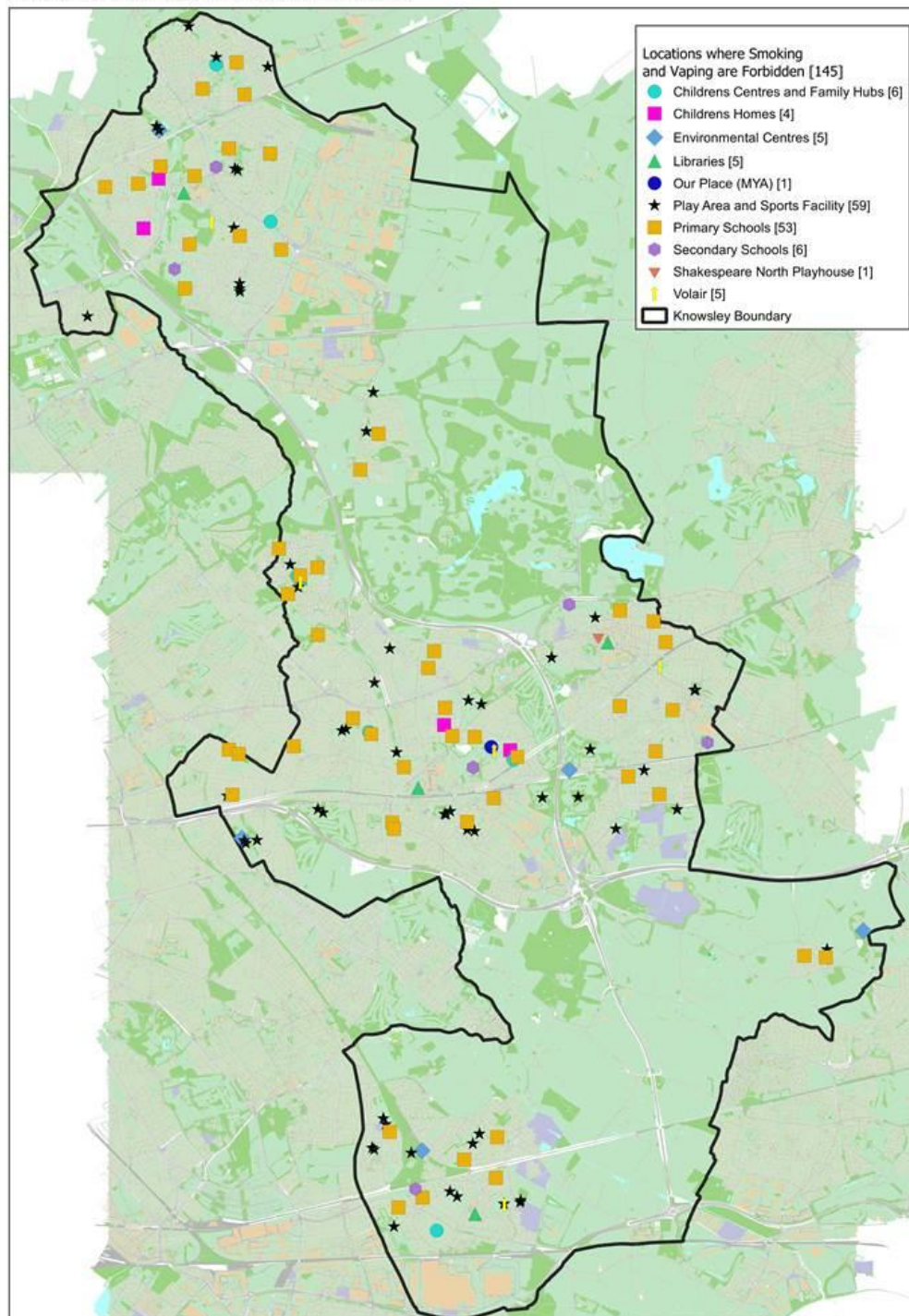
Children's centres and family hubs: All Council-operated sites open to the public.

Children's homes: External grounds and entrances open to the public.

Libraries: All public libraries operated by or on behalf of the Council; external entrances and forecourts open to the public.

Shakespeare North Playhouse: External areas under Council management open to the public

All Locations where Smoking and Vaping are Not Permitted



Sealed by Knowsley Metropolitan Borough Council on [DATE].