



SOUTH HOLLAND DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 S.59 'THE ACT'

Notice is hereby given that South Holland District Council 'The Council'

Being satisfied on reasonable grounds that:

- (a) Activities as described in schedule 1 below ('the activities') carried out in a public place within its area have had a detrimental effect on the quality of life of those in the locality and/or
- (b) It being likely that the activities carried out in a public place within that area and that they would have such an effect:

And that the effect or likely effect of the activities

- (a) Is or is likely to be of a persistent or continuing nature
- (b) Is or is likely to be such as to make the activities unreasonable; and
- (c) Justifies the restrictions imposed by the notice

And pursuant to the requirements of s.72 of the Act the Council:

- (a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and
- (b) Having carried out the necessary consultation, notification and publicity

HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act):

- 1 The land described in Schedule 1 below ('the restricted areas') being land in the area of the council to which the Act applies is land protected by the making of this order (the restricted area includes any doorways or alcove to premises to which the public would normally have access).
- 2 The order may be cited as the **Spalding Town Centre PUBLIC SPACES PROTECTION ORDER** ('the Order') and came into force on **[DATE]** for a period of **12 months**
- 3 The effect of this order is to impose the following conditions on the use of the restricted areas **[WHEN IT IS EFFECTED EG AT ALL TIMES]**

Conditions in the order which are prohibitions:

- (a) In the restricted areas a person commits an offence if, without reasonable excuse, he or she continues to carry out activities which, by the Order, are prohibited, namely:
 - (i) No person shall drink alcohol in a public place. (This provision does not apply to alcohol consumed within premises under the Licensing Act 2003 or s115E of the Highways Act 1980).

Where an authorised person reasonably believes that a person is or has been consuming alcohol in breach of this Order or intends to consume alcohol in circumstances that would be in breach of the Order, the authorised person can require the person to not consume alcohol (or anything the authorised person believes to be alcohol) and to surrender anything in the person's possession which is, or the authorised person reasonably believes is, alcohol or a container for alcohol.

OFFENCES

- 1 An offence under s67 of the Act is committed by any person who fails without reasonable excuse to comply with the following parts of this order: parts 3 (a) (ii), (iii), (iv), (v), (vi). Such offence is punishable upon summary conviction to a fine not exceeding level 3 on the standard scale (or to a fixed penalty notice of a maximum of £100 as an alternative to prosecution).
- 2 An offence under s.63 of the Act committed by any person who fails without reasonable excuse to comply with the following parts of this order: parts 3 (a)(i).

Such offence is punishable upon summary conviction to a fine not exceeding level 3 on the standard scale (or to a fixed penalty notice of a maximum of £100 as an alternative to prosecution).

GENERAL

- 1 The Council is satisfied that the conditions set out in sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this order for the purposes of reducing anti-social behaviour in the restricted areas.
- 2 For the purpose of this Order, 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission
- 3 An authorised officer means an employee of the Council, a person designated by the Council, a Police Officer or a Police Community Support Officer¹.
- 4 An 'interested person' (as defined in s.66 (1) of the Act) may apply to the High Court to question the validity of this order or any variation thereof on the grounds specified in section 66 (2) of the Act within 6 weeks of the date of the order or any subsequent variation

Dated this [DAY] (eg 16th) day of [MONTH, YEAR]

The Common Seal of South Holland District Council
Was affixed to this Order in the presence of

.....



.....
Authorised by the Council to sign in that behalf

It is not imperative that the seal of the Council is used – this will depend upon your local council

SCHEDULE ONE – Prohibited area

The land to which the Order applies includes the following:

[LIST THE ROADS INCLUDED]

It is recommended that a map is also included

SCHEDULE TWO – Places exempt from the Prohibition

- 1 Premises (other than council-operated licensed premises) authorised by a premises licence to be used for the sale of alcohol;
- 2 Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- 3 A place within the curtilage of premises within paragraph (1) or (2)
- 4 Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been used within 30 minutes before that time;
- 5 A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses)
- 6 Council-operated licensed premises –
 - a. When the premises are being used for the supply of alcohol, or
 - b. Within 30 minutes after the end of the period during which the premises have been used for the supply of alcohol]