

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59 PUBLIC SPACES PROTECTION ORDER

THE BEDFORD BOROUGH COUNCIL CONSUMPTION OF ALCOHOL AND ANTI SOCIAL BEHAVIOUR PUBLIC SPACE PROTECTION ORDER (PSPO) 2020

THIS ORDER is made by Bedford Borough Council ('the Council') because the Council is satisfied on reasonable grounds that activities carried out in a public space, namely locations in the main urban area of the Bedford town centre as specified on the attached map by the purple shading (Appendix 1), where activities carried out:

- Are having a detrimental effect on the quality of life of those in the locality, or
- It is likely that those activities will be carried out in a public place within that area that will have such an effect
- The effect or likely effect of those activities is or will be persistent or continuing in nature, and
- Such as to justify the restrictions to be imposed.

The Council is satisfied that the following activities have been carried out in the public space:

Consuming Alcohol and Anti-Social Behaviour (ASB) in a Public Space (See Map at Appendix 1)

a) RESTRICTIONS

At all times no person shall consume alcohol or have an open container of alcohol in the defined area, in order to prevent anti-social behaviour occurring in a public place, unless subject to the exemptions listed in the Schedule 1 of the Order (and as defined by section 62 of the Act).

b) PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 14 December 2020 for a period of three years until 13 December 2023.

At any point before the expiry of this three year period the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time, subject to their being reasonable grounds to support such a decision.

c) WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 63 Anti-Social Behaviour, Crime and Policing Act 2014 states that:

1. where a constable or an authorised officer reasonably believes that a person:
 - a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.
2. The constable or authorised officer may require the person:
 - a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol
3. A constable or an authorised officer who imposes a requirement under subsection (2) above must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

4. A requirement imposed by an authorised officer under subsection (2) is not valid if the person –
 - a) is asked by the person to show evidence of his or her authorisation, and
 - b) fails to do so.
5. A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
6. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

In this section “authorised officer” means a person authorised for the purposes of this section by Bedfordshire Police or the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

ENFORCEMENT

A constable of Bedfordshire Police or an authorised officer will adopt a graduated enforcement approach to reduce alcohol consumption and ASB in the designated area of the PSPO, including and not limited to: surrender of alcohol, community protection notices (CPNs), criminal behaviour orders, public order offences, vagrancy offences, or issuing a fixed penalty notice to anyone he or she believes has committed an offence.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds, (i) that the Council did not have the power to make the order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court’s decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated:

The Common Seal of
Bedford Borough Council
Was hereto affixed in the presence of

[seal]

Signed:

XXXX

XXXXX

Solicitor to the Council

Signed:

XXXX

XXXXX

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014

- 1) *It is an offence for a person without reasonable excuse:
 - a) *To do anything that the person is prohibited from doing by a public spaces protection order, or*
 - b) *To fail to comply with a requirement to which a person is subject under a public spaces protection order.**
- 2) *A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.*
- 3) *A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.*
- 4) *Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).*

DRAFT

Schedule 1

Exemptions under the Anti-Social Behaviour, Crime & Policing Act 2014, section 62

Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) 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 so used within the 30 minutes before that time;
 - (e) 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).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to 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 a period during which the premises have been used for the supply of alcohol.
- (3) In this section—
- “club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;
 - “premises licence” has the meaning given by section 11 of that Act;
 - “supply of alcohol” has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—
- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.