

The Anti-social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order (Restricting Alcohol)(Borough Council of King's Lynn and West Norfolk)

The Borough Council of King's Lynn and West Norfolk ("the Council") hereby makes the following Order:

This Order comes into force on 1st **October 2020** for a period of 3 years.

This Order is made by the Borough Council of King's Lynn & West Norfolk ("the council") in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act'). The council is satisfied that the activities, namely:

- Alcohol consumption causing alcohol related Anti-Social Behaviour/Disorder

Being carried on within King's Lynn ("the public place") within the authority's area has had a detrimental effect or it is likely that alcohol related Anti-Social Behaviour/Disorder will be carried on in a public place within that area and that they will have such an effect on the quality of life of those in the locality and that such activities are of a persistent or continuing nature and the restrictions imposed by this notice are justified.

1. DURATION OF THE ORDER

This Order comes into force on 1st October 2020 for a period of 3 years, unless extended by further orders under the council's statutory powers.

2. THE RESTRICTED AREA

2.1 – King's Lynn

This order relates to all public/private land open to the air to which the public have access with or without payment (Restricted Area shown in **Schedule 1** is defined by the red boarder and hatching including the highway and highway boundary which sits within the red boarder runs).

Area covered within schedule 1 - includes all road and public space within schedule 1 from the outer edge of the red boundary line.

A47 - entire length from the East Side of the A47 Great River Ouse Bridge to the West side of the Hardwick Roundabout Flyover to Hardwick Road.

West side of the Hardwick Roundabout Flyover – (*Including foot/cycle path underneath*) passing by Hardwick Road junction to the A149 North Junction.

A149 - entire length from North Junction of the Hardwick Roundabout to the North Junction of the Knights Hill roundabout.

A148 - entire length from the East Junction on the Knights Hill roundabout to the A1078 at Wootton gap (*including the grass verges to the outer highway boundary*).

A1078 - entire length from Wootton Gap to the corner to the West Junction of Cross Bank Road (*including the grass verges to the outer highway boundary*).

Cross Bank Road – entire length from the West junction of the A1078 to the junction of the unmade road/end of tarmac including the entire length of St Edmunds Terrace (*including the low water mark to the West Side of Cross Bank Road and the grass verges to the East Side of Cross Bank Road*).

Great River Ouse – from the unmade road/end of tarmac at Cross Bank Road to East side of the A47 Great River Ouse Bridge (*from the low water mark of the East bank of the Great River Ouse*)

3. THE RESTRICTIONS

When asked by an authorised person to stop drinking or surrender their alcohol, no person shall consume alcohol or have an open container of alcohol in the Restricted Area.

This restriction is subject to the exemptions in Chapter 2, S.62 of the Anti-Social Behaviour Crime and Policing Act 2014.

Offences - Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 2 Section 63

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(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.

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

(2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P’s possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P 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.

4. EXEMPTIONS

Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 2 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.

5. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER

It is an offence for a person who, without reasonable excuse, does anything that the person is prohibited from doing by this order or fails to comply with a requirement of the order. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Pursuant to section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:

- (i). A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 in relation to a public spaces protection order.
- (ii). A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

6. **RIGHT TO APPEAL**

Any interested person wishing to challenge the validity of this order must do so within 6 weeks beginning with the date on which this order is made or, if applicable, varied. An application under section 66 Anti-social Behaviour, Crime and Policing Act 2014 is to the High Court.

Date this of September 2020

THE COMMON SEAL of)

THE BOROUGH COUNCIL OF)

KING'S LYNN AND WEST NORFOLK)

Was hereunto affixed in the)

presence of)

Duly Authorised Signatory

Schedule 1 (King's Lynn Town)

