

## **WORCESTER CITY COUNCIL PUBLIC SPACES PROTECTION ORDER (No.2 of 2018)**

Worcester City Council ("the Council") in exercise of its powers under Section 59 of the of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") being satisfied that the conditions set out in sections 59 63 and 72 of the Act have been met hereby makes the following Order:

1. This Order may be cited as the Worcester City Council Public Spaces Protection Order (No. 2 of 2018) ("the Order")
2. This Order takes effect on 13<sup>th</sup> August 2018 and continues to have effect for a period of three years thereafter unless extended by further orders under the Council's statutory powers.
3. This Order applies to all land in the administrative area of the Council shown coloured purple on the attached plan, to which the public or section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission ("the Restricted Area").
4. The effect of this Order is to prohibit the consumption of alcohol or the having of an alcohol container ("the Activity") within the Restricted Area.

### **No consumption of alcohol in the Restricted Area**

5. This Order prohibits the Activity within the Restricted Area.
6. This Order requires all persons, pursuant to section 63 of the Act, when requested to do so by an Authorised Officer:
  - a) To desist from the Activity (or any action reasonably believed to be the Activity); and/or
  - b) To surrender any alcohol (or any item which is reasonably believed to be the Activity, including a container for alcohol) in their possession.

For the avoidance of doubt, an Authorised Officer may dispose of anything surrendered pursuant to this Order.

### **Offence**

7. A person who fails, without reasonable excuse, to comply with any obligation or prohibition imposed by this Order is committing an offence and is liable, under Section 63 of the Act, on summary conviction to a fine not exceeding level 2 on the standard scale. Alternatively, an Authorised Officer may offer a Fixed Penalty Notice ("FPN") of no more than £100 to any person he or she has reason to believe has breached the prohibitions or requirements of this Order which gives such person the

opportunity to discharge their liability for conviction for the offence by paying the FPN within 14 days of the date of the FPN.

**Interpretation:**

8. For the purpose of this Order:

**Authorised Officer:** shall mean a Police Officer, a Police Community Support Officer or an Authorised Officer of the Council.

**Restricted Area:** shall include all land in the administrative area of the Council shown coloured purple on the attached plan, to which the public or section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission but shall not include the following, which are not deemed to be public places:

- a) A licensed premises or a registered club within the meaning of the Licensing Act 2003 ("the 2003 Act");
- b) a place within the curtilage of premises within paragraph (a);
- c) a premises for which a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act, or which, by virtue of that Part, could have been so used within the last 30 minutes;
- d) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under Section 115E of the Highways Act 1980.
- e) Any council-operated licensed premises when the premises are being used for the supply of alcohol, or within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

9. The Council is satisfied that the conditions set out in Sections 59, 63 and 72 of the Act have been satisfied and that it is in all circumstances expedient to make this Order for the purposes of reducing the Activity in the Restricted Area that has a detrimental effect on the quality of life of those in the locality. Furthermore, the Council is satisfied that the effect of the Activity is or is likely to be of a persistent or continuing nature and is or is likely to be such to make the Activity unreasonable and the effect justifies the restrictions imposed.

10. If any interested person desires to question the validity of this Order on the ground that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated:

The Common Seal of Worcester City Council

Was hereunto affixed in the presence of: -

Georgina Coley

Deputy Monitoring Officer