

The Anti-social Behaviour, Crime and Policing Act 2014 Section 59



SOUTH
KESTEVEN
DISTRICT
COUNCIL

South Kesteven District Council (Alcohol Control Areas) Public Spaces Protection Order 2024

South Kesteven District Council (in this Order called “the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act “) hereby makes the following Order:

The Order is made and sealed on the 3rd October 2024 and shall have effect for a period of 3 years after the date the decision to make the Order was taken by the Council on the 10th of September 2024, unless the Council extends or varies this Order before it has expired: it shall expire at 23:59hrs on the 9th September 2027.

General provisions:

1. This Order applies to all land in the Restricted Areas 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.
2. The Council is satisfied that both of the conditions set out in Section 59 of the Act are satisfied, because the activity, identified in paragraph 5 of this Order, which is carried on in a public place (“the Restricted Area”) has a detrimental effect on the quality of life of those in the locality and this effect is or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by this Order.
3. The Order is available for inspection on the Council’s website and also by appointment, at the offices of South Kesteven District Council. Appointments can be made by contacting 01476 406080 or emailing neighbourhoods@southkesteven.gov.uk
4. If any interested person desires to question the validity of this Order on the grounds 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.

Prohibitions:

5. Alcohol control areas

The activities which are to be controlled are:

- a) A person consuming alcohol in breach of an authorised officer’s request to cease the consumption in public spaces within the Restricted Areas specified in the Schedule to this Order, where the consumption is associated with disorder, nuisance or annoyance to members of the public.

- b) A person having an unsealed container of alcohol in breach of an authorised officer's request to surrender the alcohol or container for disposal in public spaces within the Restricted Areas specified in the Schedule of this Order, where the consumption is associated with disorder, nuisance or annoyance to members of the public.

For the purpose of this Order:

- (a) Restricted Area means the land designated in the Schedule to this Order.
- (b) An "authorised officer" means an officer who is authorised in writing by the Council for the purposes of giving directions under the Order or a police constable or a community support officer designated under the Police Reform Act 2002.
- (c) Alcohol has the meaning given in section 191 of the Licensing Act 2003.
- (d) Surrender the alcohol or container for disposal – an authorised officer may dispose of anything surrendered which they reasonably believe to be alcohol in whatever way he/she thinks appropriate.

Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of an offence and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

An authorised officer may issue a fixed penalty notice (currently £100) to a person who they reasonably believe has breached the requirements of this Order. A fixed penalty notice offers the recipient the opportunity to discharge the liability to conviction for the offence by paying the fixed penalty notice within 14 days of issue of the notice.

Date Order Made: 3rd October 2024

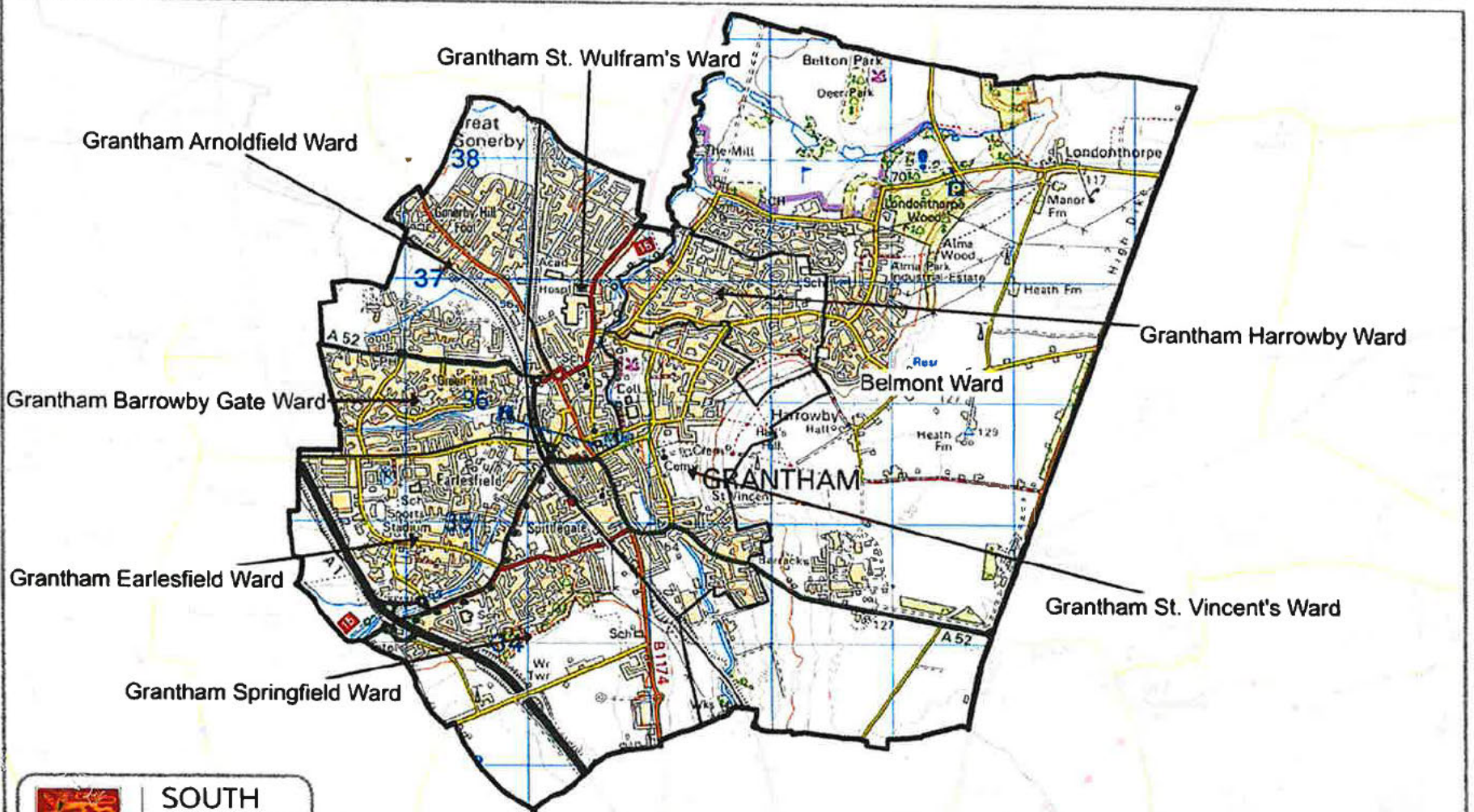
Executed as a DEED by affixing the
COMMON SEAL of SOUTH KESTEVEN
DISTRICT COUNCIL



Schedule

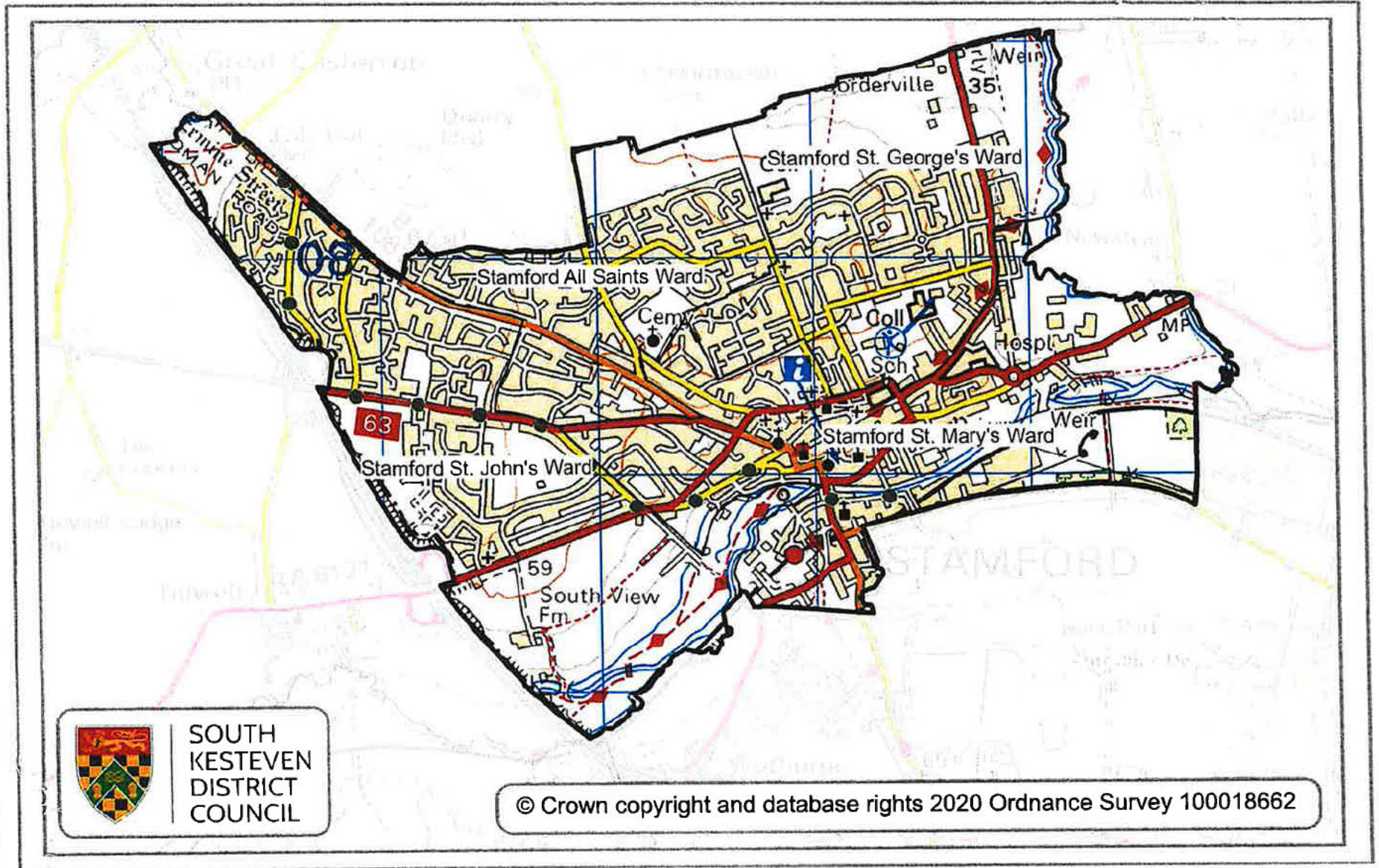
This Order applies to land which is within the administrative area of South Kesteven District Council, edged black in the attached plans, which is open to the air (which includes land, which is covered, but open to the open air on at least one side) and to which the public are entitled or permitted to have access (with or without payment).

Public Space Protection Order - Alcohol Control Area



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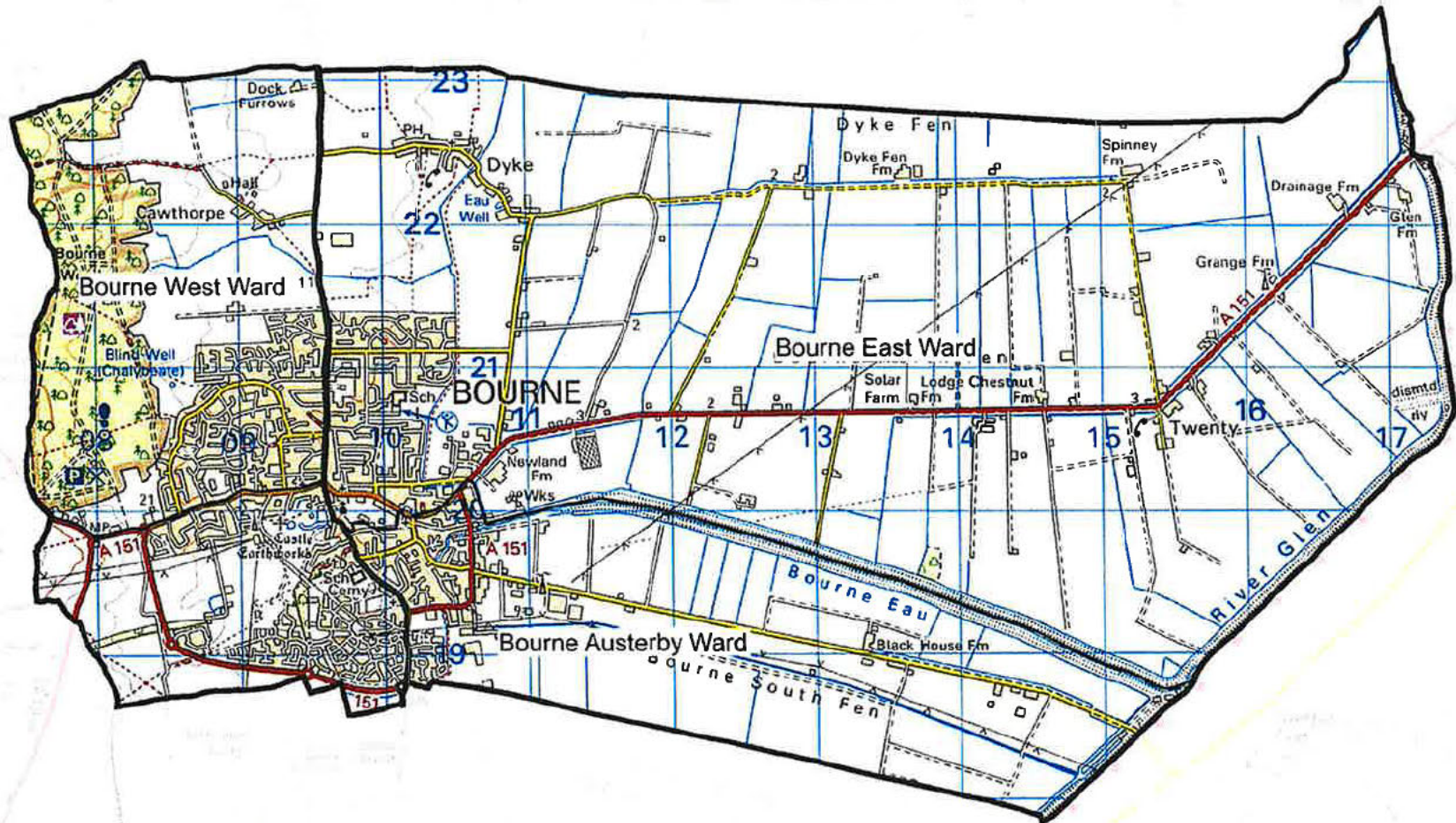
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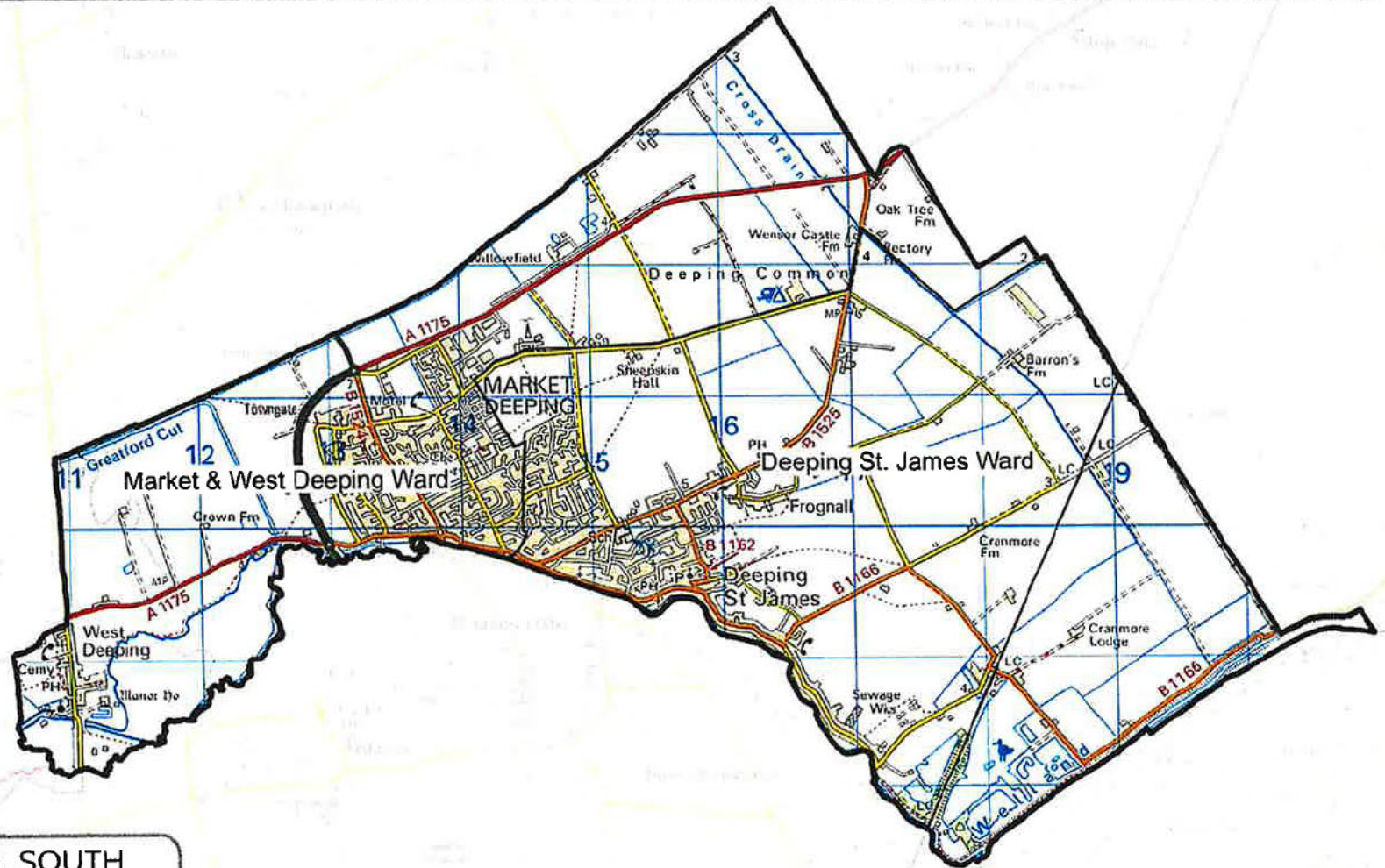
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