

BRECKLAND DISTRICT COUNCIL

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

THE PUBLIC SPACES PROTECTION ORDER No 1 of 2021

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in Section 59 of the Act have been met and that the prohibitions and requirements imposed by articles 5 and 6 below are reasonable in all the circumstances, Breckland District Council (“the Council”) hereby make the following Order.

1. This Order comes into effect on 19th July 2021 for a period of 3 years, thereafter, unless extended under section 60 of the Act.
2. This Order relates to all public spaces within the town of Watton (shown edged red on the attached plan “the restricted area”).
3. The Council is satisfied that the following activities carried on within the restricted area, namely;
 - i. persons consuming alcohol who are, or become as a result, intoxicated and incapable.
 - ii. persons urinating and defecating in places open to the air.

have had or are likely to have a detrimental effect on the quality of life of those living, working and visiting the locality.

4. The Council is further satisfied that the effect or likely effect of the activities:
 - i. is, or is likely to be, of a persistent or continuing nature;
 - ii. is, or is likely to be, such as to make activities unreasonable; and
 - iii. justifies the restrictions imposed by the Order.

Prohibitions

5. This Order imposes the following prohibitions which are to apply within the restricted area:
 - i. no person shall consume alcohol in any public place, a public place being 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;
 - ii. no person shall urinate or defecate in any public place which is not a public convenience.

Requirements

6. Where a constable, or 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 in which doing so would be a breach of this Order, the constable, or authorised person may require that person:

- i. not to consume alcohol or anything which the constable, or authorised person reasonably believes to be alcohol;
 - ii. to surrender anything in his or her possession which is, or which the constable, or authorised person reasonably believes to be alcohol or a container for alcohol.
7. A constable, or an authorised person who imposes a requirement on a person under article 6 of this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
8. A requirement imposed on a person by an authorised person under article 6 of this Order is not valid if the authorised person fails to show evidence of his or her authorisation when asked to do so by the person.
9. A constable, or an authorised person may dispose of anything surrendered under article 6(ii) of this Order in whatever way he or she thinks appropriate.

Authorised person

10. In this Order “authorised person” means a person authorised for the purposes of this Order by the Council.

Exemption

11. The prohibition in this Order on consuming alcohol does not apply to premises which are excluded by virtue of section 62 of the Act.

Offences

12. Under section 63 of the Act, a person who fails without reasonable excuse to comply with a requirement imposed on him or her under article 6 of this Order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
13. Under section 67 of the Act, a person who without reasonable excuse does anything that he or she is prohibited from doing by article 5(ii) of this Order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority making a public spaces protection order did not have the power to include in it. Consuming alcohol in breach of article 5(i) of this Order is not an offence under section 67 of the Act.

Fixed penalty

14. Under section 68 of the Act:
- 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 this 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 the Council.

Title of Order

15. This Order may be cited as the Breckland District Council Public Spaces Protection Order No.1 of 2021.

Challenge to validity

16. Under section 66 of the Act, an interested person may apply to the High Court to question the validity of:

- a) this Order, or
- b) a variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

The grounds on which an application may be made are:

- a) that the local authority did not have the power to make the Order or a variation of the Order, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b) that a requirement under Chapter 2 of the Act was not complied with in relation to the Order or a variation of the Order.

An application to the High Court must be made within the period of 6 weeks beginning with the date on which this Order or variation of this Order is made.

THE COMMON SEAL OF
BRECKLAND DISTRICT COUNCIL



Was here unto affixed this 19 day of July 2021

In the presence of:

Solicitor to the Council

RhA Walker,

3922