

**BRECKLAND DISTRICT COUNCIL**  
**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**  
**THE PUBLIC SPACES PROTECTION ORDER No 1 of 2026 (DEREHAM)**

**1. Power to Make the Order**

1.1. In exercise of the powers conferred by section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), Breckland District Council ("the Council"), being satisfied that the conditions set out in section 59 of the Act have been met and that the prohibitions and requirements imposed by this Order are reasonable in all the circumstances, hereby makes the following Order.

**2. Commencement and Duration**

2.1. This Order shall come into force on 31 March 2026 and shall remain in force for a period of three (3) years, unless extended, varied or discharged in accordance with section 60 of the Act.

**3. Restricted Area**

3.1. This Order applies to all public spaces within the town of Dereham, as shown edged red on the plan attached to this Order ("the Restricted Area").

**4. Activities**

4.1. The Council is satisfied that the following activities carried on within the Restricted Area have had or are likely to have a detrimental effect on the quality of life of those living, working and visiting the locality, namely;

- i. persons consuming alcohol who are, or become as a result, intoxicated and incapable;
- ii. behaviour which is intimidating or causing harassment, alarm or distress to others;
- iii. congregating in or around public conveniences in a manner that causes harassment, alarm or distress;
- iv. begging in a way that causes harassment, alarm or distress, including making verbal, non-verbal or written requests for money, donations or goods;
- v. urinating or defecating in places open to the air or in any public place other than a public convenience;
- vi. the anti-social or inconsiderate use of bicycles, skateboards, scooters or other manual or self-propelled wheeled vehicles

4.2. 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.

**5. Definitions**

5.1. For the purposes of this Order:

"Authorised Person" means a police constable or a person authorised in writing by the Council.

Public place" means 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, in accordance with Section 74 of the Anti-Social Behaviour, Crime and Policing Act 2014.

"Alcohol" includes spirits, wine, beer, cider or any intoxicating liquor.

"Pedestrian Zone" includes (but is not limited to) Wrights Walk and Nelsons Place.

"Lawful Reason" includes (but is not limited to):

- Returning home where the home is within the Restricted Area
- Accessing a place of work, education or training
- Attending medical appointments or collecting essential medication
- Providing essential care responsibilities
- Fulfilling a legal obligation such as compliance with police or court bail

"Begging" means making verbal, non-verbal or written requests for money, donations or goods from members of the public.

## **6. Prohibitions**

### **6.1. Street Drinking**

6.1.1. Persons within the Restricted Area, when requested by Authorised Person, must:

- I. Dispose of or surrender any containers of alcohol in their possession; and/or
- II. Disperse from the Restricted Area and not return for a period of six (6) hours, unless they have a lawful reason to do so.

6.1.2. On Sales Licensed Premises Exemption:

6.1.2.1. This requirement does not apply to any person who is:

- I. Within the boundary of a licensed premises, or
- II. Consuming or possessing alcohol purchased from and consumed within an area covered by a premises licence (i.e. a pub or restaurant) or Temporary Event Notice, provided that the alcohol is being used in accordance with the authorisation granted to that premises.

6.1.2.2. This exemption ceases to apply once the individual leaves the licensed premises or its defined external drinking area. Any alcohol carried into the public space outside those authorised areas may be subject to surrender or disposal on request.

### **6.2. General Anti-Social Behaviour (ASB) and nuisance behaviour**

6.2.1. Any person behaving in a manner that has caused, or is likely to cause, nuisance or annoyance, harassment, alarm or distress must leave the area immediately or by such time as specified by an Authorised Person and not return for up to six (6) hours except for lawful reason.

### **6.3. Congregation around Public Toilets**

6.3.1. No person shall loiter, remain or gather in or around Barwell Court or inside/outside the public toilets, whether alone or in a group of two or more persons, without reasonable excuse

### **6.4. Anti-social use of bicycles, scooters and other manual or self-propelled wheeled vehicles.**

- 6.4.1. Any person riding a bicycle, skateboard, e-bike, e-scooter or other self-propelled wheeled vehicle must do so in a manner that does not:
- cause damage to property,
  - nuisance or annoyance or harassment, alarm or distress, or
  - in a manner that contravenes the highway code in the designated area.
- 6.4.2. All riders must dismount in a pedestrian zone unless, they have reasonable excuse.

#### **6.5. Begging**

- 6.5.1. No person shall beg in a manner that causes, or is likely to cause, harassment, alarm or distress by making request(s) for money, donations or goods

#### **6.6. Public Decency**

- 6.6.1. No person shall urinate or defecate in any public place which is not a public convenience.

### **7. Requirements relating to Alcohol**

7.1. Where 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,

they may require that person:

- i. not to consume alcohol or anything which the Authorised Person reasonably believes to be alcohol;
- ii. to surrender anything in his or her possession which is, or which Authorised Person reasonably believes to be alcohol or a container for alcohol.

### **8. Procedural Requirements**

- 8.1. 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.
- 8.2. An Authorised Person must, if requested, produce evidence of their authorisation.
- 8.3. 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.
- 8.4. Any alcohol surrendered may be disposed of in a manner the Authorised Person considers appropriate.

### **9. Exemption**

- 9.1. The prohibition on consuming alcohol does not apply to premises excluded under section 62 of the Act.

### **10. Offences**

- 10.1. 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 6.1 of this Order commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- 10.2. Under section 67 of the Act, a person who, without reasonable excuse, does anything that they are prohibited from doing by this Order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 10.3. 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
- 10.4. Consuming alcohol in breach of article 6.1 of this Order is not an offence under section 67 of the Act.

### 11. Fixed Penalty Notices

- 11.1. Under section 68 of the Act:
1. an Authorised Person may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order;
  2. an FPN 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.

### 12. Title of Order

- 12.1. This Order may be cited as the Breckland District Council Public Spaces Protection Order No.1 of 2026 (Dereham).

### 13. Challenge to validity

- 13.1. An interested person may apply to the High Court under section 66 of the Act to question the validity of this Order within six (6) weeks beginning with the date on which it is made.
- 13.2. "Interested person" means an individual who lives in the Restricted Area or who regularly works in or visits that area.
- 13.3. 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.
- 13.4. 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.

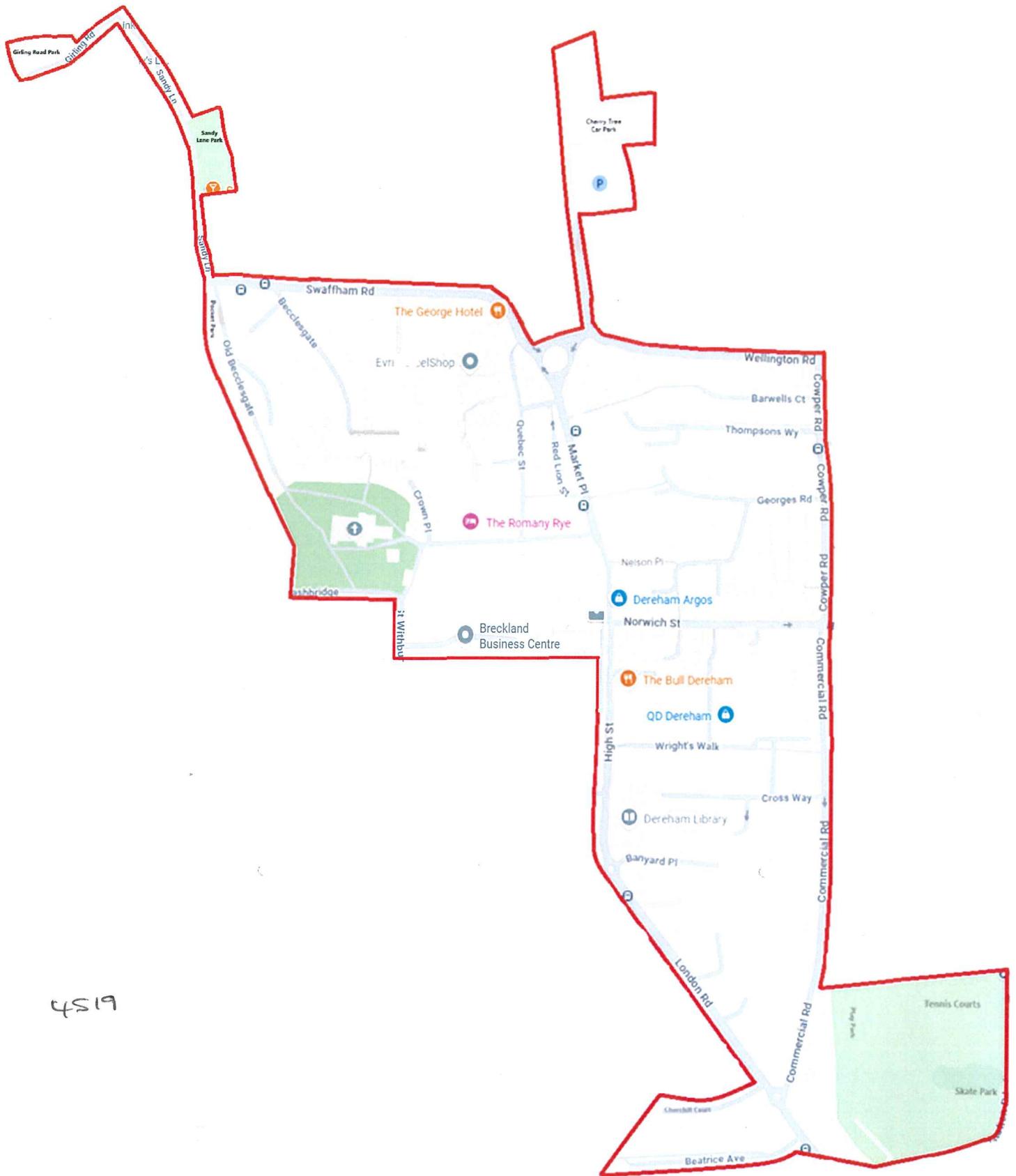
THE COMMON SEAL OF  
BRECKLAND DISTRICT COUNCIL

Was here unto affixed this 27 day of MARCH 2026  
In the presence of:



Authorised Signatory





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*SR Holsteholms*