

14 SEP 2017

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING
ACTION 2014****HEREFORDSHIRE COUNCIL - PUBLIC SPACES
PROTECTION ORDER – ALCOHOL CONSUMPTION**

This Public Spaces Protection Order shall come into effect on ??? for a period of three years.

Herefordshire Council ("the council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and of all other enabling powers being satisfied that the conditions set out in Section 59 of the Act have been met and hereby makes the following order:

1. This order relates to the public space within the area edged red on the plans of Herefordshire, attached as Appendix 1, being a public space in the Council's area to which the Act applies.
2. The Council is satisfied that the three conditions below have been met, in that:-
 - a) Activities carried out in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect.
 - b) The effect, or likely effect or the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
 - c) The restricted behaviour is, or is likely to be unreasonable.

3. Authorised Officer

In this Order "an authorised officer" means an authorised officer of the council, a police officer, a police community support officer or an officer accredited under the community safety accreditation scheme as designated by the council.

4. The effect of the Order is to impose the following prohibitions and/or requirements at all times:-

Alcohol – Restrictions apply, at any time for person(s) consuming alcohol or having an alcohol container, in the restricted area unless subject to exemptions listed in Appendix 2 below.

- a) In this area, Appendix 1, any person who without reasonable excuse continues drinking intoxicating liquor in the restricted area when asked to stop by an authorised officer, commits an offence.
- b) Or fails to surrender any intoxicating liquor in their possession when asked to do so by an authorised Officer, commits an offence.
- c) An authorised person who imposes a requirement under paragraph 4a or 4b must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

5. Penalty

Liable on summary conviction a fine not exceeding £1000, level 3 on the standard scale or a Fixed Penalty Notice (FPN) of £100 can be issued reduced to £50 if paid within 10 working days. Failure to pay may lead to prosecution.

Appendix 1

Maps/List of areas.

Appendix 2

- a) Premises authorised by a premises licence or a temporary event notice 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).