



# Northumberland County Council

## The Northumberland County Council (Consumption of Alcohol) Public Spaces Protection Order

**Anti-social Behaviour, Crime and Policing Act 2014, Part 4**

**Northumberland County Council** in exercise of the powers conferred on it by section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 makes the following Order –

### **1 Citation**

This Order may be cited as the **Northumberland County Council (Consumption of Alcohol) Public Spaces Protection Order** and for the purposes of any enforcement proceedings, Notices, documents or correspondence the short title **Consumption of Alcohol PSPO** may be given.

### **2 Interpretation**

In this Order:

- (1) The expressions "*the Authority*" shall mean **Northumberland County Council** whose principal offices are at County Hall, Morpeth, Northumberland, NE61 2EF.
- (2) The expression "*the Activities*" means the activities specified in paragraph 4 below.
- (3) The expression "*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.

- (4) The expression "*Restricted Area*" means any public place within the administrative boundaries of any civil parish listed in the Schedule to this Order.
- (5) The expression "*authorised person*" means a person authorised by the Authority to enforce the provisions of this Order.
- (6) Any reference to a numbered section is a reference to the section so numbered in the Anti-social Behaviour, Crime and Policing Act 2014 ("*the Act*").

### **3 Effect**

- (1) This Order shall come into force on **21st October 2020**.
- (2) This Order is made as the Authority is satisfied on reasonable grounds that the two conditions prescribed by section 59(2) and (3) of the Act have been met, namely:

(a) **The first condition:**

- (i) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality ("*the Activities*"); and
- (ii) It is likely that the Activities will be carried on in a public place within the Authority's area and that they will have a detrimental effect on the quality of life of those in the locality.

(b) **The second condition:**

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 the activities unreasonable, and

(iii) justifies the restrictions imposed by this Order.

(3) This Order –

(a) prohibits specified things from being done in the Restricted Area (*“the Restriction”*) as set out in paragraph 5 below,

(b) requires specified things to be done by persons carrying on the Activities in the Restricted Area (*“the Requirements”*) as set out in paragraph 7 below, or

(c) does both of those things.

#### **4 The Activities**

The consumption of alcohol in a public place in any manner which amounts to, or which is reasonably likely to lead to, the occurrence of anti-social behaviour, nuisance or annoyance affecting those in the locality.

#### **5 The Restriction**

The consumption of alcohol within a Restricted Area is prohibited **subject to** the exemptions specified in paragraph 6 below.

#### **6 Exemptions**

(1) The prohibition referred to in paragraph 5 of this Order on consuming alcohol does not apply to –

(a) premises (other than council-operated licensed premises) authorised by a premises licence 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 6(1)(a) or 6(1)(b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) The prohibition referred to in paragraph 5 of this Order on consuming alcohol does not apply to council-operated licensed premises –
- (a) when the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

## **7 The Requirements**

- (1) Where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol in breach of the prohibition specified in paragraph 5 above, or intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the constable or an authorised person may require that person –
- (a) not to consume, in breach of this Order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

- (b) to surrender anything in that person's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (2) Any person who appears to a constable or an authorised person to be in breach of this Order shall confirm their full name, address and date of birth upon any request having been made in that respect, whether verbally or in writing, by any such officer and within such time as may be stipulated by that officer.
- (3) If any person, having been asked to confirm the details set out in paragraph 6(2) of this Order, knowingly gives false, inaccurate or misleading information to the officer requesting that information, that person shall be deemed to have failed to comply with those requirements.

## **8 Offence of failing to comply with this Order**

- (1) It is an offence for a person without reasonable excuse—
  - (a) to do anything that a person is prohibited from doing by a public spaces protection order, or
  - (b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) With regard to the requirements specified in paragraphs 6(1) of this Order, a person guilty of an offence under section 63 of the Act is liable on summary conviction to a fine not exceeding **level 2** on the standard scale.
- (3) With regard to the prohibition specified in paragraph 5 of this Order and to the requirements specified in paragraphs 7(2) and 7(3), a person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding **level 3** on the standard scale.

## **9 Fixed Penalty Notices**

- (1) 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 section 63 or 67 of the Act in relation to the Order.
- (2) 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 Authority.

## **10 Duration of Order**

- (1) This Order will remain in force for the period of **3 years** from the date that it comes into force specified in paragraph 3(1).
- (2) Before the time when this Order is due to expire, the Authority may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent –
  - (a) an occurrence or recurrence after that time of the Activities, or
  - (b) an increase in the frequency or seriousness of the Activities after that time.
- (3) The Order may be so extended more than once.

## **11 Variation and discharge of the Order**

- (1) The Authority may vary this Order –
  - (a) by increasing or reducing the Restricted Areas;
  - (b) by altering or removing a prohibition or requirement included in the Order, or adding a new one.

- (2) Where the Authority considers it appropriate to do so, the Order may be discharged by the Authority before the end of the period that the Order may remain in force specified in paragraph 10(1).

## 12 Challenging the validity of the Order

- (1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely –
- (a) that the Authority did not have power to make the Order or variation, 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 Part 4 of the Act was not complied with in relation to the Order or variation.

Dated this 20th day of October 2020

The Common Seal of the **Northumberland County Council** was hereunto affixed in the presence of -

*L Jackson*

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Duly Authorised Officer



Seal no. 22386

## SCHEDULE

### The Restricted Areas

The Restricted Areas are any public place as defined by paragraph 2(3) of this Order which lie within the administrative boundaries of the following civil parishes:

1	Alnwick
2	Amble
3	Ashington
4	West Bedlington
5	Berwick-Upon-Tweed
6	Blyth
7	Corbridge
8	Cramlington
9	Haltwhistle
10	Hexham
11	Morpeth
12	Prudhoe
13	Wylam