GREAT YARMOUTH BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER No. 1 OF 2016

1. This Public Spaces Protection Order is made by the Great Yarmouth Borough Council of Town Hall, Great Yarmouth NR30 2QF (hereafter "the council") as the council is satisfied upon reasonable grounds firstly that anti-social behaviour associated with drinking alcohol has been carried on or is likely to be carried on within the public places mentioned in this order and these activities have had or are likely to have a detrimental effect on the quality of life of those in the locality and further that the effect or likely effect of this activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activity unreasonable and justifies the restrictions imposed by this Public Spaces Protection Order (hereafter "order"). This order is made by the council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act").

2. No person shall at any place to which this order applies consume alcohol after being warned not to consume alcohol by a police officer, a police community support officer or an authorised officer of the council.

3. A warning given under paragraph 2 of this order may be given verbally or in writing.

4. The prohibition contained in paragraph 2 of this order does not apply to any place specified in section 62 of the Act as a place where a prohibition in a public spaces protection order on consuming alcohol does not apply.

5. This order shall apply to all those places within the council's district which area is shown on the plan attached as Appendix A to this order which fall within the following definition:

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. This includes but is not limited to: car parks, libraries, sports fields and playing fields and their attached facilities, play areas, parks and recreation grounds, beaches, public highways including footway and verge, market places, esplanades, public open space land and communal open space owned by the council, cemeteries and church yards, places of worship, shopping centres, cinemas and civic buildings, nature reserves, sites of special scientific interest, public w.c's and the curtilage of any such location.

6. This order comes into effect on 3 June 2016 and continues for a period of three years from that date unless extended under section 60 of the Act.
7. Under Section 63 of the Act where a police officer, a police community support officer or an authorised officer of the council reasonably believes that a person is or has been consuming alcohol in breach of a prohibition in a public spaces protection order or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition then the police officer, police community support officer or authorised officer of the council may require that person not to consume in breach of the order alcohol or anything which the police officer, police community support officer or authorised officer of the council reasonably believes to be alcohol and/or to surrender anything in the person's possession which is, or which the police officer, police community support officer or authorised officer of the council reasonably believes to be, alcohol or a container for alcohol.

8. A police officer, police community support officer or authorised officer of the council who imposes a requirement upon a person under section 63 of the Act as mentioned above must tell the person that failing without reasonable excuse to comply with the requirement is an offence. A requirement imposed is not valid if the police officer, police community support officer or authorised officer of the council fails to show to the person receiving the requirement evidence of his or her authorisation if they are asked to do so by that person.

9. A police officer, police community support officer or authorised officer of the council may dispose of anything surrendered under sub-section (2)(b) of section 63 of the Act in whatever way he or she thinks appropriate.

10. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

11. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. 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. However a person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the council did not have power to include in the public spaces protection order.

12. Consuming alcohol in breach of a public spaces protection order is not an offence under section 67 of the Act but reference should be made to section 63 of the Act.
13. This order may be cited as the "Great Yarmouth Borough Council Public Spaces Protection Order No. 1 of 2016".

Appendix A: Map of PSPO No 1 area attached.

Challenging the Validity of Orders

An interested person may apply to the High Court to question the validity of:-

a. This Order, or

b. A future variation of this Order.

"interested person" means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

a. The Council did not have the 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. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.
Appendix A: Map of PSPO area

Great Yarmouth Borough Council Boundary

[Map showing the area affected by the PSPO]

Great Yarmouth Borough Council
Public Space Protection Order No 1 of 2016
Great Yarmouth Borough Council

Dated: 3 June 2016

The Common Seal of Great Yarmouth Borough Council was affixed in the presence of

Signature: ...........................................

Authorised Officer: Jane Beck, Director of Customer Services
Great Yarmouth Borough Council