

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER

**THE SOUTHAMPTON CITY COUNCIL PUBLIC SPACES PROTECTION TO CONTROL
STREET DRINKING IN XXXX ORDER 2022**

THIS ORDER is made by Southampton City Council (“the Council”) because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely XXXX, which is shown coloured pink within the red boundary on the attached map:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- are or are likely to be unreasonable; and
- justify the restrictions imposed.

The Council is satisfied that the following activities have been or are likely to be carried out within the designated public space:

- (a) the consumption alcohol or being in possession of an open container of alcohol;
- (b) loitering for the purpose of consuming alcohol;

RESTRICTIONS

This public spaces protection order restricts the following activities within the designated area:

- (a) The consumption alcohol or being in possession of an open container of alcohol is prohibited within the designated area.
- (b) Loitering for the purpose of consuming alcohol within the designated area is prohibited

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on XXXX and lasts until XXXX
At any point before the expiry of this period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

FAILURE TO COMPLY WITH THIS ORDER

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014

Section 63 states that where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of this order; or
- b) intends to consume alcohol in breach of this order

The constable or authorised person may require that person:

- (a) not to consume, in breach of the order, alcohol, or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or authorised person under section 63.

A person guilty of this offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014

Section 67 states that it is an offence for a person, with reasonable excuse, to:

- a) do anything that the person is prohibited from doing by the public spaces protection order;
- or
- b) fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of this offence is liable on conviction in the Magistrates' Court to a fine not exceeding Level 3 on the standard scale

FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence under Section 63 or Section 67.

Paying the fixed penalty of £100 within 14 days of fixed penalty notice being issued will discharge any liability to conviction for the person believed to have committed an offence under Section 63 or Section 67 Anti-social Behaviour, Crime and Policing Act 2014.

Failure to pay the fixed penalty may result in legal proceedings being pursued for an offence under Section 63 or 67 of the Anti-social Behaviour, Crime and Policing Act 2014.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge the order. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds:

- a) that the Council did not have power to make the order, or to include particular prohibitions, or requirements; or:
- b) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

THE COMMON SEAL of
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this
XXXX

in the presence of

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Authorised Signatory