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[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**THE ANTI-SOCIAL BEHAVIOUR,  
CRIME AND POLICING ACT 2014("The Act")  
PUBLIC SPACES PROTECTION ORDER (Alcohol Control) 2019.**

1. Newark and Sherwood District Council ( "The Council") being satisfied that:
  - (a) Activities ("the activities") carried out within a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality and/or
  - (b) It being likely that the activities will be carried on in a public place and that they will have such an effect,
2. And upon the Council also being satisfied that the effect or likely effect of the activities
  - (a) Is or is likely to be of a persistent or continuing nature
  - (b) Is or is likely to be such as to make the activities unreasonable; and
  - (c) Justifies the restrictions imposed by this Order
3. Pursuant to the requirements of section 72 of The Act, the Council;
  - (a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on human Rights and,
  - (b) Having carried out the necessary consultation, notification and publicity and

(c) Having undertaken relevant and appropriate Equality Act 2010, impact assessments

**HAS DECIDED TO MAKE This PUBLIC SPACES PROTECTION ORDER under section 59 of the Act (and of all other enabling powers);**

4. This Public Spaces Protection Order shall come into effect on the 7<sup>th</sup> day of November 2019 for a period of 3 years. It shall expire on day of November 2022, unless before it has expired, the Council extends, varies or discharges this Order.

5. This Order may be cited as the Newark and Sherwood District Council Public Spaces Protection Order (Alcohol Control) 2019.

6. This Order covers the areas shown within the district of Newark and Sherwood District Council as shown on the map(s) in Schedule A (Attached)

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### **Conditions in the Order which are prohibitions:-**

7. In the restricted areas shown on the map(s) in Schedule A hereto,

I. It shall be an offence for any person consuming or appearing to consume alcohol and that person is causing or likely to cause antisocial behaviour to;

a) refuse to cease drinking the alcohol;

And

b) dispose of the alcohol and container in a responsible way

Or

c) surrender the alcohol and container to the officer requesting it

Or

- d) immediately leave the area covered by the PSPO as outlined in schedule A.

when instructed to do so by an Authorised Officer of the Council or Police Officer in order to prevent antisocial behaviour, disorder or public nuisance occurring or being likely to occur; unless He/She has a reasonable excuse for failing to comply with an instruction under I. a) –d) above

### **PENALTY FOR BREACH OF ORDER:**

- 8. An authorised officer may issue a fixed penalty notice to anyone who he/she believes has committed an offence under the terms of this Order. The Person issued with the fixed penalty notice shall have 28 days to pay the fixed penalty (in the sum of £100).

This will be reduced to £75 if the Fixed Penalty is paid (payment to be received by the Council) within 14 days of the date the Fixed Penalty Notice was issued. If payment is received in full within 28 days of the date the fixed penalty notice was issued, the Council will not take prosecution action.

- 9. Failure to pay may lead to prosecution. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and is liable to a fine on summary conviction not exceeding level 3 on the standard scale. (Currently set to not exceed £1000.) Should the Council have to prosecute anyone in relation to this Order the Council would also seek to recover, from the offender, any reasonable costs incurred.

### **GENERAL DEFINITIONS.**

- 10. This Order applies to the land described in Schedule A to this Order, being public land.

**“Public Land”** means all and any land in the administrative area of the Council to which the public or a section of the public has access on payment or otherwise as a right or by virtue of express or implied permission. Such land is identified in Schedule A hereto for the purposes of Section 59(4) of the Act and in this Order is referred to as the “Restricted Areas”.

11. In this Order an **“Authorised Officer”** means

Police Officer/PCSO; authorised Officers of the Council or any other person authorised in writing by the Council for the purposes of enforcement of this Order.

12. Any reference to the singular applies equally to the plural and any reference to “he” shall be read to equally apply to “she”.

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## **SCHEDULE:**

13. The following schedule, applies and forms part of this Order.

### **Schedule A - Map**

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## **Appeals**

14. 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 regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

15. Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, (for instance consultation), 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.

Executed as a deed by affixing the COMMON SEAL of NEWARK AND SHERWOOD DISTRICT COUNCIL on the 24<sup>th</sup> day of October 2019

In the presence of:

Karen White –

Director Governance and Organisational Development



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*Karen White*