



**Broxtowe  
Borough  
COUNCIL**

## **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59**

### **PUBLIC SPACES PROTECTION ORDER**

#### **BROXTOWE BOROUGH COUNCIL KIMBERLEY TOWN CENTRE ALCOHOL CONTROL PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- 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, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area of Kimberley Town Centre delineated in red on the attached plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Area:

#### **CONSUMPTION OF ALCOHOL**

##### **1. RESTRICTIONS/REQUIREMENTS:**

**You are prohibited from consuming alcohol or having an open container of alcohol in your possession in a public place within the Restricted Area.**

##### **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on      day of

and lasts until      day of

At any point before the expiry of this period the Authority 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.

### **3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this Order; or
- Intend to consume alcohol in breach of this Order

the constable or authorised person may require you to:

- (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 in your possession 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 an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

The effects of Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 are appended to this Order.

### **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

### **5. VALIDITY OF ORDERS**

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 right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, 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.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_



## **APPENDIX**

### **Section 67 Anti-Social Behaviour Crime and Policing Act 2014**

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the 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) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)