



TORRIDGE DISTRICT COUNCIL
CONTROLLING ANTI SOCIAL BEHAVIOUR AND THE
PROHIBITION OF ALCOHOL CONSUMPTION IN PUBLIC SPACES
PUBLIC SPACES PROTECTION ORDER 2017

This Order is made by Torrige District Council ("The Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Chapter 2 Sections 59-75 inclusive ("The Act").

1. This Order relates to the land described in Paragraph 1 of The Schedule overleaf and shown edged in purple on the attached plan ("the Restricted Area"), being a public place in the Council's area to which the Act applies.
2. The Council is satisfied that both conditions (a) and (b) have been met, in that:
 - a. The activities carried on in the Restricted Area as described in (i) to (iii) below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the Restricted Area and that they will have such an effect. The said activities being:
 - (i) Anti-social behaviour taking place in the Restricted Area; and/or
 - (ii) Anti-social behaviour associated with the consumption of alcohol, taking place in the Restricted Area; and/or
 - (iii) Aggressive or intimidating behaviour, taking place in the Restricted Area.
 - b. The effect, or likely effect of the activities described above in (i) to (iii) is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make activities unreasonable, and therefore justifies the restrictions imposed by the Order.
3. Whilst in the Restricted Area a person commits an offence, if without reasonable excuse, he or she fails to comply with any of the following when requested to do so by an Authorised Officer, namely:
 - a. Cease the consumption of alcohol or substance reasonably believed by an Authorised Officer to be alcohol when requested; and/or.
 - b. Immediately surrender any containers (open or closed) in their possession containing alcohol or a substance reasonably believed by an Authorised Officer to be alcohol.

Note: Any surrendered items may be disposed of by the Authorised Officer in any way he or she deems appropriate. These provisions do not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a license under the Licensing Act 2003 or other formally regulated location or activity.

4. Whilst in the Restricted Area a person commits an offence, if without reasonable excuse, he or she does any of the following:

- a. Fails to leave the Restricted Area forthwith and in an orderly manner when requested to do so by an Authorised Officer.
- b. Re-enters the Restricted Area within 6 hours of being instructed to leave.

Note: The Authorised Officer must be of the opinion that the individual is causing or has the potential to cause harassment, alarm or distress to other people in the area or is of the opinion that the individual is under the influence of an intoxicating substance.

- c. Urinates and/or defecates within the Restricted Area, other than within designated public toilets.
 - d. Acts in such a manner that is reasonably perceived by the Authorising Officer to be anti-social, aggressive and / or intimidating to any member of the public.
5. This Order comes into force on xxxx 2021 and remains in effect for a period of 3 years from that date, unless extended by further Orders under the Council’s statutory powers.
 6. Under Section 63 of the Act, a person guilty of an offence under conditions 3a and 3b above is liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of up to £100.
 7. Under Section 67 of the Act, a person guilty of an offence under condition 4a, 4b, 4c or 4d above is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £100.

THE SCHEDULE

1. The Restricted Area is shown edged in purple on the attached map as The Schedule.

APPEALS

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within 6 weeks from the date upon which this order is made. For the purposes of the Act an interested person is someone who lives in, regularly works in, or visits the Restricted Area.

THE COMMON SEAL of TORRIDGE DISTRICT COUNCIL

Was here unto affixed in the presence of

Authorised Signatory

Dated.....

