

APPENDIX 2

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by Wycombe District Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ('the Act').

1. This Order relates to the land described in paragraph 1 of the Schedule below and defined by the blue border on the plan attached to this Order ('the Restricted Area'), being a public place in the Council's area to which the Act applies.
2. The Council is satisfied that the 2 conditions below have been met, in that:
 - a) Activities carried out in the Restricted Area as described 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 out in the public place and that they will have such an effect.
 - b) That the effect, or likely effect of the activities described below is, or is likely to be, of a persistent or continuing nature, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following prohibition at all times:

In the restricted area any person who continues to carry out the following activities from which they are prohibited commits an offence:

Alcohol – any person is prohibited from, at any time, consuming alcohol or having an open container for alcohol, in the Restricted Area subject to the exemptions listed in Schedule 2.
4. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. Section 63 of the Act states that where a constable or an authorised person reasonably believes that a person:

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- (a) is or has been consuming alcohol in breach of this Order; or
- (b) intends to consume alcohol where to do so would be a breach of the prohibition

The constable or authorised person may require the person:

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

A constable or authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence

A person guilty of an offence under Section 63 is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

GENERAL

References to a "constable" includes a Police Community Support Officer with delegated authority and reference to "authorised person" means a person designated by the local authority.

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 right to challenge also exists where an Order is varied by the Council.

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

- (a) that the Council did not have the 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.

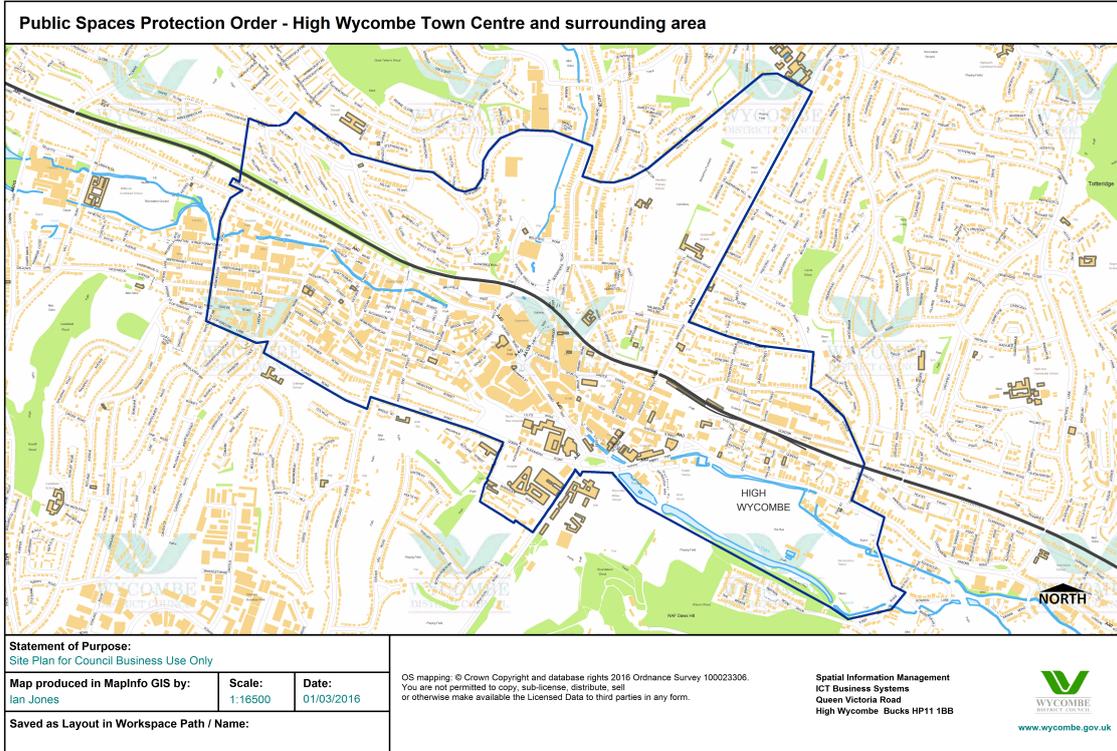
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When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated 12th March 2020

SCHEDULE 1

The restricted area shown edged in blue on the map attached hereto.



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SCHEDULE 2

Premises to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to –
 - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115(e) of the Highways Act 1980 (highway-related uses).

- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises –
 - (a) where the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

- (3) In this section –
 - “*club premises certificate*” has the meaning given by section 60(f) of the Licensing Act 2003;
 - “*premises licence*” has the meaning given by section 11 of that Act;
 - “*supply of alcohol*” has the meaning given by section 14 of that Act.

- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and –
 - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.