



North Warwickshire
Borough Council

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER (ALCOHOL CONSUMPTION AND
SUBSTANCE MISUSE)
NORTH WARWICKSHIRE BOROUGH COUNCIL ORDER

North Warwickshire Borough Council (“the Council”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This order may be cited as the North Warwickshire Borough Council (Atherstone) Public Space Protection Order 2023 No 1 (Alcohol consumption and substance misuse).

2. **Location** - This order relates to the public space within the area of Atherstone Town Centre’s including Market Square and Long Street and includes adjoining alleyways as shown edged in red on the attached Plan at Appendix 1 (the restricted area) unless subject to exemptions.

3. The Council is satisfied that the three 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 on in the restricted area and they will have such an effect.
- b. The effect, or likely effects of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
- c. The restricted behaviour is or is likely to be unreasonable.

PROHIBITIONS:

4. The effect of the Order is to impose the following prohibitions and/or requirements at all times: -
- a. Persons within the restricted area must not without reasonable excuse ingest, inhale, inject, smoke or otherwise use intoxicating substances. 'Intoxicating substances' is given the following definition (which includes - what are commonly known as 'legal highs'): substances with the capacity to stimulate or depress the central nervous system.
 - b. Any person who uses or is in possession of intoxicating substances in breach of this prohibition must surrender those items to a Police Officer, Police Community Support Officer or Authorised Person from the Council.
 - c. Persons within the restricted area must not without reasonable excuse consume alcohol.
 - d. If a Police Officer, Police Community Support Officer or Authorised Person from the Council reasonably believes that any person is or has been consuming alcohol in breach of this prohibition the Officer / Authorised Person may require the person:
 - i. not to consume alcohol or anything that the Officer / Authorised Person believes to be alcohol; and/or
 - ii. to surrender anything in that person's possession which is or which the Officer / Authorised Person believes to be alcohol or a container for alcohol.

5. FIXED PENALTY NOTICES AND OFFENCES:

In accordance with section 63 and 67 of the Act:

- a. any person found to be in breach of this Order by consuming alcohol who refuses to stop doing so or refuses to surrender the items to a Police Officer, Police Community Support Officer or Authorised Person from the Council without reasonable excuse is liable to get a Fixed Penalty Notice up to £100 or on summary conviction to a maximum fine not exceeding level 2 (£500).
- b. any person found to be in breach of this Order by consuming intoxicating substances or refusing to surrender those items to a Police Officer, Police Community Support Officer or Authorised Person from the Council without reasonable excuse is liable to get a Fixed Penalty Notice up to £100 or on summary conviction to a maximum fine not exceeding level 2 (£1000).

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty of £100 (discounted to £75 if paid in 10 days).

6. EXEMPTIONS AND APPEALS

EXEMPTIONS

- a. Premises authorised by a premises licence (other than Council operated licensed premises) 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 the premises described at (a) and (b) above.
- 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 used within 30 minutes before that time.
- e. A place where facilities or activities relating to the sale or consumption of alcohol are at relevant time permitted by virtue of a permission granted under Section 115 of the Highways Act 1980 (highway related use).

APPEALS

Any challenge to this order must be made to the High Court by an interested person within six weeks of it being made.

The order will come into force on ***** and remain in place for the period of three years.

Date this day of 2024

The Common seal of

North Warwickshire Borough Council

Was here unto affixed in the presence of –

Designated Officer

APPENDIX 1 – Attach plan.

