



**Anti-social Behaviour, Crime and Policing Act 2014  
Part 4, section 59  
Public Spaces Protection Order**

**The Harborough District Council Public Spaces Protection Order 2016**

THIS ORDER is made by Harborough District 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 shown edged blue on the attached 2 maps:

- 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 unreasonable and
- justify the restrictions imposed.

This Order comes into force on 25<sup>th</sup> August 2016 and will be for a period of 3 years ending on 25<sup>th</sup> August 2019. At any point before the expiry of this 3 year 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.

The Authority is satisfied that the following activities have been or are likely to be carried out in the public space:

**ALCOHOL RELATED ANTI-SOCIAL BEHAVIOUR**

**RESTRICTION AND FAILURE TO COMPLY WITH THIS ORDER**

Section 63 of the Anti-Social Behaviour, Crime and Policing Act 2014 states 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

(a) not to consume, in breach of the order, alcohol, or anything which the constable, police community support officer or authorised person reasonably believes to be alcohol

(b) to surrender anything in your possession which is, or which the constable, police community support officer or authorised person reasonably believes to be, alcohol or a container for alcohol

It is an offence for a person who, without reasonable excuse, fails to comply a requirement imposed by a constable, police community support officer or an authorised person under section 63.

A person guilty of an offence shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

#### FIXED PENALTY

A constable, police community support officer or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

#### EXEMPTIONS

Under section 62 of the Act, the controlled drinking zone cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies.

#### 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 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, or quash it, or vary it.

**SCHEDULE 1**  
**Restriction of Alcohol Consumption Designated Areas**

**Map 1 Market Harborough PSPO area**



