

BROXBOURNE BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER No. 2 OF 2023

PUBLIC CONSUMPTION OF INTOXICATING LIQUOR

**DRAFT FOR CONSULTATION**

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No. 2 of 2023.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and marked on the plan contained in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2023 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to the public places being those parts of the Borough of Broxbourne shown outlined on the plan contained in the schedule of this Order (“the restricted areas”).
5. The activities described below are hereby prohibited as from the date of this Order.
  - (a) Consume intoxicating liquor in a public place and acting in a matter that is causing or is likely to cause alarm, harassment or distress
  - (b) Be in possession of an open vessel(s) of intoxicating liquor in a public place
  - (c) Urinate or defecate in public.

S 63 Consumption of alcohol in breach of prohibition in this order

(1) This section applies where a constable or an authorised person reasonably believes that a person — (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition. In this section “authorised person” means a person authorised for the purposes of this section

by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require a person — (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 a person's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell person that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person— (a) is asked by person to show evidence of his or her authorisation, and (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale

6. Section 67 of the Act states that 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 the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act 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.

A person guilty of an offence under conditions a, b or c above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a fixed penalty notice of £100.

### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include

particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

SCHEDULE OF RESTRICTED AREAS

Grundy Park, Cheshunt  
Holdbrook Estate, Waltham Cross  
The Royal and Four Swannes Estate, Waltham Cross  
Pound Close Hoddesdon  
(See attached maps)

Dated .....

THE COMMON SEAL of the Borough of Broxbourne  
Council was hereunto affixed in the presence of

.....  
Authorised Officer