

Stockport Metropolitan Borough Council Public Space Protection Order 1 of 2017 ("Order")

Anti-social Behaviour, Crime and Policing Act 2014 Section 59

1. This order shall come into operation on 20th October 2017 and shall have an effect for 3 years thereafter, unless extended by further orders under the Councils statutory powers.
2. This order relates to part of the Borough of Stockport edged in black on the attached map (the Restriction Zone)
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met, namely that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, 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 crime and or anti-social behaviour in a public place.

Stockport Metropolitan Borough Council in its 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.

That power (previously specified in a Designated Public Spaces Protection Order in relation to street drinking) be conferred upon the police to require a person whom a police constable reasonably believes has been or intends to consume alcohol in a designated area, not to do so and to surrender any container for alcohol and to dispose of it.

A failure to do so without reasonable excuse will be a breach of this order.

The effect of the Order is to restrict persons within the Highlighted Area from carrying out the following **Prohibited Activities**, at all times.

Refusing to comply with the reasonable request of a Police Officer to surrender alcohol* when requested

*The act of drinking alcohol in a public place within an area designated under is not in itself an offence. An offence only occurs if someone refuses to comply with the reasonable request of a Police Officer to surrender the drink. The police have the power to require the surrender of the alcohol and to arrest or to impose a

fixed penalty notice on offenders who fail to comply. Therefore, Police Officers are required to use some discretion and judgement in deciding when such public drinking may lead to anti-social behaviour.

OFFENCES and PENALTY

1. Consumption of alcohol in breach of prohibition in 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 P—

(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 P’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 P 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 P 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.

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 power to make the order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the order is made.

APPENDIX

Street Plan of the Restricted Area within the Stockport Metropolitan Borough
the Restricted Zone is edged in black.

