THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

FLINTSHIRE COUNTY COUNCIL —PUBLIC SPACES PROTECTION ORDER - ALCOHOL CONTROL

The Flintshire County Council in exercise of its powers under sections 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the "**Act**") and under all other enabling powers and having undertaken the consultation, publicity and notification required by section 72 of the Act:

AND BEING SATISFIED on reasonable grounds that extending the period for which the Public Spaces Protection Order - Alcohol Control has effect is necessary to prevent the occurrence or recurrence of the activities identified in that Order, or an increase in their frequency or seriousness after the date on which that Order would otherwise expire, being 29 October 2026;

ORDERS AS FOLLOWS:

1. Interpretation:

1.1. In this instrument, the following words and expressions have the following meanings:

The "**Existing Order**" means the Flintshire County Council – Public Spaces Protection Order – Alcohol Control, dated 30 October 2023, a copy of which is annexed at Schedule 1.

The "**Act**" means the Anti-social Behaviour, Crime and Policing Act 2014.

The **"Council**" means Flintshire County Council.

1.2. Unless the context otherwise requires, words, and expressions defined in the Existing Order shall have the same meanings in this instrument, except where expressly defined otherwise in this Article.

1.3. References to Articles are references to the Articles of the Existing Order unless otherwise stated.

2. **Extension of the Existing Order**

2.1. Pursuant to section 60 of the Act, the Council hereby extends the period for which the Existing Order has effect for a further period of three years.

2.2. The Existing Order shall continue in force until 29th October 2029, unless extended further or otherwise varied in accordance with the Act.

3. **Variation of Article 4 – Alcohol Control**

3.1. Pursuant to section 61 of the Act, Article 4 of the Existing Order is substituted with the following:

"4. **Alcohol Control**

4.1 Subject to the provisions and exemptions contained in section 62 of the Act, a person within the Restricted Area must not continue to consume alcohol, or anything which an Authorised Officer reasonably believes to be alcohol, when required by that Authorised Officer to cease such consumption in accordance with section 63 of the Act.

4.2 An Authorised Officer may, in the circumstances specified in section 63 of the Act, require a person within the Restricted Area:

a) Not to consume alcohol or anything which the Authorised Officer reasonably believes to be alcohol; and/or

b) To surrender anything in that person's possession which is, or which the Authorised Officer reasonably believes to be, alcohol or a container for alcohol.

c) A person who fails, without reasonable excuse, to comply with a requirement imposed under section 63(2) of the Act, as reflected in Article 4.2 (a) or (b) of this Order, commits an offence under 63(6) of the Act."

4. **Variation of Article 5 – Penalty**

4.1. Pursuant to section 61 of the Act, Article 5(i) of the Existing Order is substituted with the following:

"5(i) A person who, without reasonable excuse, fails to comply with a requirement imposed under Section 63 of the Act in relation to this Order, commits an offence under section 63(6) of the Act and is liable on summary conviction to a fine not exceeding level 2 on the standard scale".

4.2. Article 5(ii) (concerning fixed penalty notices) of the Existing Order is deleted and substituted with the following:

"5(ii) Where an Authorised Officer has reason to believe that a person has committed an offence under section 63(6) of the Act as reflected in Article 4.2(a) or (b) of this Order, a fixed penalty notice may be issued to that person pursuant to section 68 of the Act.

The amount of any fixed penalty shall be determined in accordance with section 68 of the Act, subject to the statutory maximum applicable at the time the notice is issued".

5. **Continuing Effect**

5.1. All provisions of the Existing Order shall remain unchanged and continue in full force and effect, save as expressly varied by this instrument.

5.2. Nothing in this instrument shall be construed as making a new Public Spaces Protection Order under section 59 of the Act.

6. **Commencement**

6.1. The variations specified in Articles 3 and 4 of this instrument shall take effect on 29 October 2026.

6.2. The extension provided for in Article 2 of this instrument shall take effect so as to continue the Existing Order without interruption from its existing expiry date.

Dated this ……. day of

…….2026

THE COMMON SEAL OF FLINTSHIRE COUNTY COUNCIL
Was hereto affixed in the presence of:

Chair

Legal Services Manager/
Chief Officer (Governance)

SCHEDULE 1

Existing Public Spaces Protection Order – Alcohol Control

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

FLINTSHIRE COUNTY COUNCIL – PUBLIC SPACES PROTECTION ORDER – ALCOHOL CONTROL

This Public Spaces Protection Order ("the order") will come into force on the 30th October 2023and ends on 29th October 2026 unless extended by further orders under the Flintshire County Council ("the council").

The Council in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met and hereby makes the following Order:

1. This Order relates to the public space within the area edged red on the plan attached as Appendix 1 ("the restricted area"), being a public space in the Council's area to which the Act applies.

2. The Council is satisfied that the two conditions below have been met, in that:-

   (i) activities carried on in the Restricted Area as described below have had a detrimental effect on the quality of life of those locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;

   (ii) the effect, or likely effect, 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.

3. **Authorised Officer**

   In this Order "an authorised officer" means a police officer and/or a police community support officer.

BY THIS ORDER

4. The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area, as shown in Appendix 1, at all times:-

(a) any person who, without reasonable excuse, continues drinking intoxicating liquor in a public area within the Restricted Area when asked to stop by an authorised officer, commits an offence.

(b) any person who whilst in a public area within the Restricted Area, without reasonable excuse, fails to surrender any intoxicating liquor in their possession when asked to do so by an authorised officer, commits an offence.

(c) an authorised officer who imposes a requirement under Article 4(a) and/or 4(b) above must tell the person that failing, without reasonable excuse, to comply with the prohibition and/or requirement is an offence.

5. PENALTY

(i) Any person who fails without reasonable excuse to comply with any of the requirements and/or prohibitions at Articles 4 (a) and/or 4(b) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1,000.00) on the standard scale.

(ii) A constable and/or police community support officer may issue a fixed penalty notice to anyone they believe has committed an offence under this Order. A person committing an offence will have 14 days to pay the fixed penalty of £75.00, failing which they may be prosecuted if the full amount is not paid.

6. Appeals

Any challenge to this Order must be made at the High Court by an interested person within 6 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; that the Council did not have the 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, quash it, or vary it.

Dated this ……..day of
……..2023

THE COMMON SEAL OF FLINTSHIRE COUNTY COUNCIL
Was hereto affixed in the presence of:

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Appendix 1 – Restricted Area relating to the Order

CYNGOR Sir y Fflint Flintshire COUNTY COUNCIL	This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100023386. Flintshire County Council, 2020.	Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	Scale 1:170000 @ A4 OS Map 250k Raster Produced: 10/02/2020 N