

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 2023 and 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.

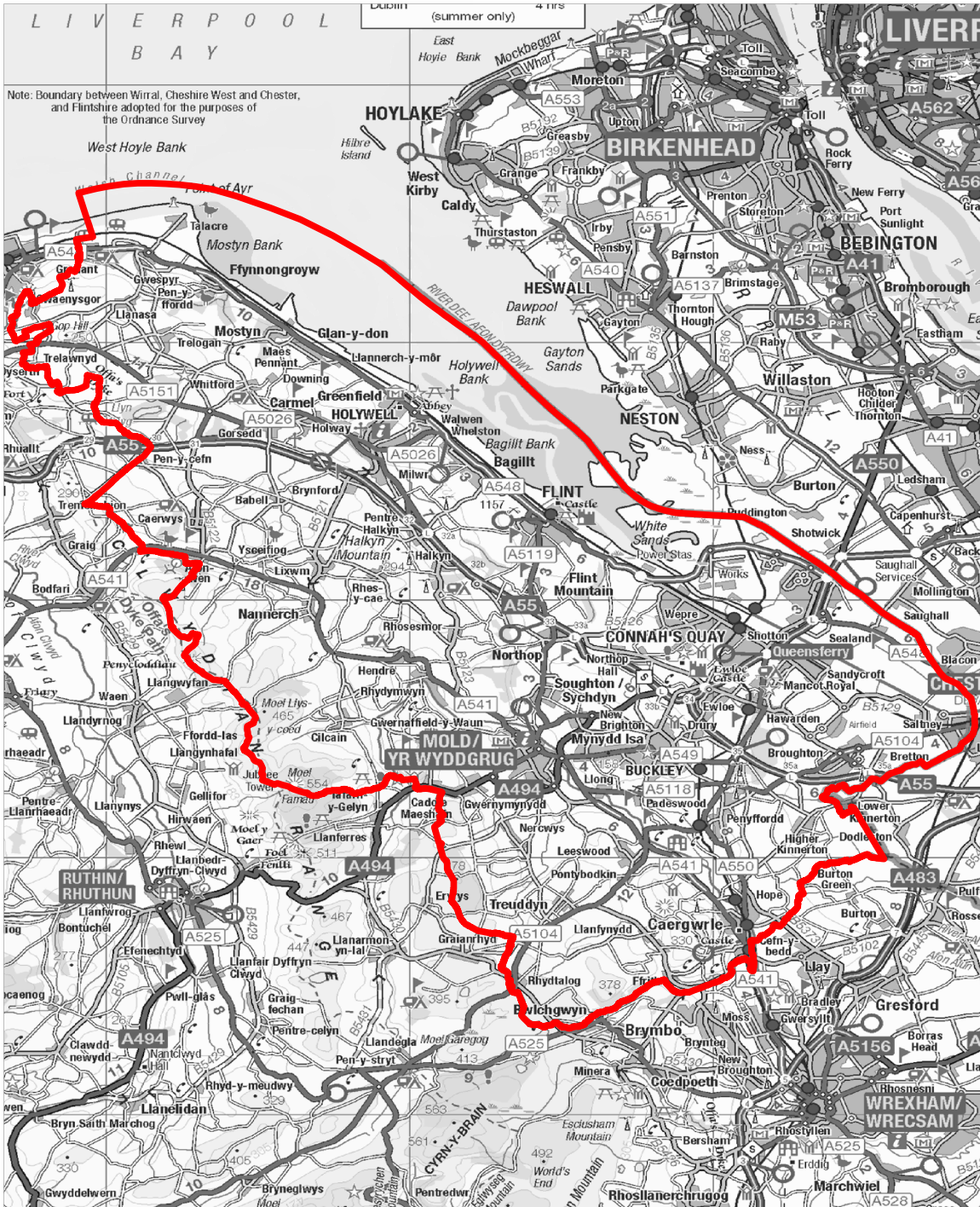
When an application is made, the High Court, can decide to suspend the operation of the Order pending the court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated thisday of
.....2020

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



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 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
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