

**FENLAND DISTRICT COUNCIL
FENLAND DISTRICT COUNCIL (Alcohol) Wisbech.
PUBLIC SPACES PROTECTION ORDER 2023**

Fenland District Council ('the Council') in exercise of its powers pursuant to Section 59, and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :-

1. This Order shall come into operation on **20/10/2023** and shall have effect for a period of 3 years from that date.

2. This Order relates to the areas as shown *hatched in red on the attached Plans in Schedules 1, 2, 3, & 4* (the 'Restricted Area'); and applies to all the land (except which is referred to in paragraph 3. below) which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this paragraph, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

3. This Order does not apply to premises excluded by section 62 of The Act (for example- premises authorised by a 'premises licence', 'club premises certificate, or' 'permission' authorising the supply, sale or consumption of alcohol).

4. The effect of this Order is to impose the following prohibitions and requirements on the Restricted Area as specified as follows:

5.1. In the Restricted Area shown in Schedule 1:

Any person believed to be drinking alcohol or is believed to have been drinking alcohol or intends to drink alcohol must upon the request of an Authorised Person or Constable, stop drinking what is reasonably believed to be alcohol and hand over to the Authorised Person or Constable what is reasonably believed to be alcohol and any container for alcohol.

5.2. In the Restricted Areas shown in Schedules 2, 3, and 4:

- *The possession by any person of an open container or containers which is reasonably believed to contain alcohol is prohibited.*
- *Any person found in possession of an open container or containers reasonably believed to contain alcohol must hand it/them over to a Constable or Authorised Person if required to do so.*

6. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.

7. A Constable or an 'Authorised Person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.

8. An 'Authorised Person' and 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Fenland District Council (the Council). A Constable means a Police Constable in whatever capacity including a Community Support Officer.

9. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN

10. The Council is satisfied that the conditions set out in Sections 59 of 'the Act' have been met: 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; and that 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 this notice. Such activities include public urination, associated rowdy behaviour and alcohol related litter. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

11. Any interested person (an individual who lives or regularly visits or works) in the restricted area who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

[Date] 2 October 2023

Sealed as Deed on behalf of)
Fenland District Council the)
Common Seal being affixed in the)
presence of and signed by:)



Authorised Signatory