

## **NEWMARKET**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

**This order is made by Forest Heath District Council (the 'Council') and shall be known as the Public Spaces Protection Order (Alcohol) 2017**

#### PRELIMINARY

1. The Council, in making this Order, is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and 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 the notice.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## THE ACTIVITIES AND PROHIBITION

4. To prevent public nuisance, anti-social behaviour or disorder, no person shall within the restricted area, refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer .

A person shall not engage in the activities listed above anywhere within the restricted area as shown shaded on the attached map labelled 'The Restricted Area'

## PERIOD FOR WHICH THIS ORDER HAS EFFECT

5. This Order will come into force at 00.00 hrs on 01 October 2017 and will expire at 23.59 hrs on 30 September 2020.
6. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence if a person, without reasonable excuse, fails to comply with a requirement of a constable or authorised 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 the persons possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A person guilty of an offence under section 63 is liable on conviction in the Magistrates Court to a fine not exceeding level 2 on the standard scale.

FIXED PENALTY

A constable, police community support officer or council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £80. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six 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 this 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 29th September 2017

39185

The Common Seal of  
FOREST HEATH DISTRICT COUNCIL  
was affixed in the presence of

)  
)  
)

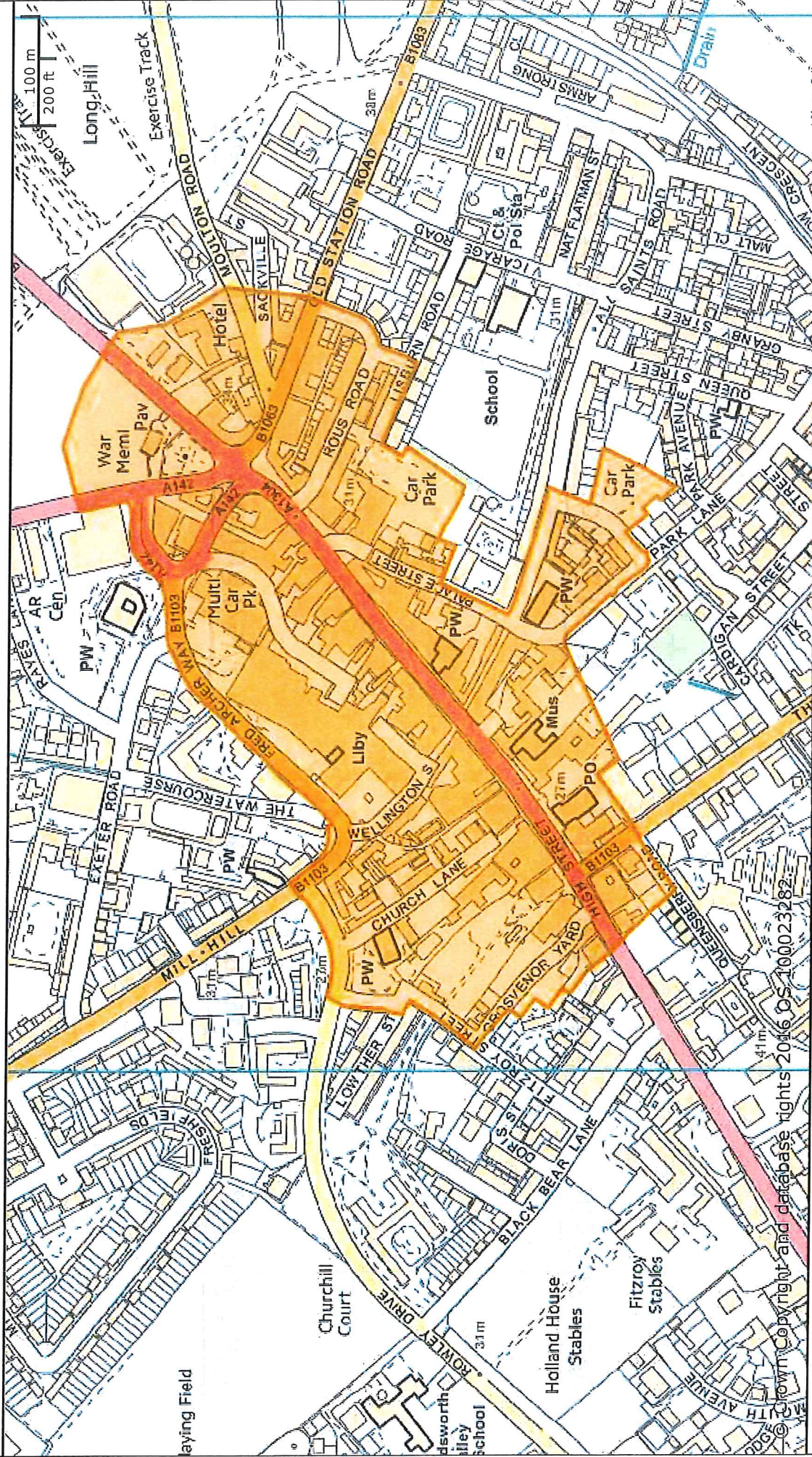


[Signature]

Authorised Signatory



# Newmarket PSPO RESTRICTED AREA



St Edmundsbury BC  
 Western Way  
 Bury St Edmunds  
 IP33 3YU  
 01284 763233

Forest Heath & St Edmundsbury councils  
**West Suffolk**  
 working together  
 www.westsuffolk.gov.uk

Forest Heath DC  
 College Heath Road  
 Mildenhall  
 IP28 7EY  
 01638 719000

Scale: 1:5000  
 Printed on: 15/12/2016 at 17:10 PM by cflttner  
 © Crown Copyright and database rights 2016  
 OS 100023282/100019675.

