



## **Staffordshire Moorlands District Council**

### **NOTICE OF INTENTION TO APPLY A PUBLIC SPACES PROTECTION ORDER**

#### **Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

The Staffordshire Moorlands District Council hereby makes the following Order:

1. This Order comes into force on \*\*\*\*\* and will last for a period of three years.
2. This Order applies to the land specified in the Schedule.

#### **Purpose**

3. The Order is intended to help to stop or reduce activities that have a detrimental effect on the quality of life of those in the locality, including noise nuisance, shouting and swearing, criminal damage, alcohol and substance misuse, abuse and intimidation, and other forms of rowdy and inconsiderate behaviour.

#### **Definitions**

4. "Council" means Staffordshire Moorlands District Council.
5. "Restricted Area" means the land specified in the Schedule.
6. "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) of the Anti-Social Behaviour, Crime and Policing Act 2014).
7. "Club Premises Certificate" has the meaning given by section 60 of the Licensing Act 2003.
8. "Premises Licence" has the meaning given by section 11 of the Licensing Act 2003.
9. "Supply of Alcohol" has the meaning given by section 14 of the Licensing Act 2003.
10. "Council-operated Licensed Premises" means premises authorised by a premises licence to be used for the supply of alcohol where—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

### **Offence**

11. The following are prohibited under this Order:

- Consuming or intending to consume alcohol or anything a constable or an Authorised Person reasonably believes to be alcohol in a Restricted Area.
- Having an unsealed container of alcohol or anything a constable or an Authorised Person reasonably believes to be alcohol in a Restricted Area.

12. Where a constable or an Authorised Person reasonably believes that a person is or has been consuming alcohol in breach of this Order, or intends to consume alcohol in circumstances in which doing so would be a breach of this Order. The constable or authorised person may require that person—

- (i) not to consume, in breach of the order, alcohol or anything which the constable or Authorised Person reasonably believes to be alcohol;
- (ii) to surrender anything in their possession which is, or which the constable or Authorised Person reasonably believes to be, alcohol or a container for alcohol.

### **Exemptions**

13. The prohibition on consuming alcohol does not apply to—

(a) premises (other than Council-operated licensed premises) authorised by a Premises Licence to be used for the Supply of Alcohol;

(b) premises authorised by a Club Premises Certificate to be used by the club for the Supply of Alcohol;

(c) a place within the curtilage of premises within paragraph (a) or (b);

(d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the Supply of Alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

14. A prohibition in a public spaces protection order on consuming alcohol does not apply to Council-operated Licensed Premises—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

### **Penalty**

15. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under this Order commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

16. A constable or Authorised Person who imposes a requirement under this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

17. A requirement imposed by an Authorised Person under this Order is not valid if the Authorised Person is asked to show evidence of his or her authorisation and fails to do so.

### **Challenging the Validity of the Order**

18. If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

IN WITNESS whereof the COMMON SEAL

of the STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

was hereunto affixed this                      day of                      two thousand and twenty one in the presence of

Chairman

Chief Executive

## **Schedule**

The Order applies to the areas of Leek, Biddulph and Cheadle town centres edged red on the accompanying maps.