

LONDON BOROUGH OF LAMBETH

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER No. 1 of 2020

1. WHEREAS pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) the London Borough of Lambeth (“the Council”) is satisfied on reasonable grounds that:
 - a) the consumption of alcohol in public places within the Council’s area has had a detrimental effect on the quality of life of those in the locality or that it is likely that alcohol will be consumed in public places within the area of the Council and that they will have such an effect;
 - b) that the effect (or likely effect) of such alcohol consumption is (or is likely to be) persistent or continuing; is (or is likely to be) such as to make such alcohol consumption unreasonable; and justifies the restriction imposed by this Order;
2. AND WHEREAS the Council is satisfied that the restrictions imposed by this Order are ones that are reasonable to impose in order to prevent the detrimental effect from continuing, occurring, recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence;
3. THE COUNCIL hereby makes the following Order:

ORDER

The consumption of alcohol in any public place within the administrative area of the said Council (shown edged red on the map annexed as Schedule 1 to this Order) and which is or is likely to be associated with disorder, nuisance or annoyance to members of the public or a section of the public is hereby prohibited.

4. This order does not apply to premises falling within section 62 of the Act.
5. A “public place” is all land within the administrative area of the London Borough of Lambeth which is open to the air and to which the public have access or are entitled to have access (whether or not on payment of a fee). Land which is partially covered shall be deemed to be open to the air if it is open to the air on at least one side.

DURATION OF ORDER

6. This Order shall come into force on 20th October 2020 and will expire at midnight on 19th October 2023 unless discharged by the Council or extended pursuant to section 60 of the Act.

Breach of the Order and penalty for doing so

7. Section 63(2) of the Act permits a constable or authorised person who

reasonably believes that a person is or has been consuming alcohol in breach of this Order or intends to do so in breach of this Order to require that person:

- (a) not to consume anything which the constable or authorised person reasonably believes to be alcohol;
 - (b) to surrender anything in that person's possession which the constable or authorised person reasonably believes to be alcohol or a container of or for alcohol.
8. An "authorised person" is any person authorised by the Council for the purposes of section 63 of the Act. An authorised person imposing a requirement pursuant to Section 63(2) must produce evidence of their authorisation if asked to do so.
 9. Any person who, without reasonable excuse, fails to comply with a requirement made under Section 63(2) commits a criminal offence punishable on summary conviction by a fine not exceeding Level 2 on the standard scale.
 10. It is not an offence to consume alcohol in breach of a Public Spaces Protection Order.

APPEALS

11. An interested person wishing to challenge the validity of this Order may apply to the High Court within the period of six weeks beginning with the day on which this Order is made.
12. An "interested person" is an individual who lives in the restricted area or who works in or regularly visits the restricted area.
13. This Order may be cited as the London Borough of Lambeth Public Spaces Protection Order (Alcohol Consumption) 2020 and shall come into force on 20th October 2020

Dated this _____ day of

The Common seal of the London Borough of Lambeth was hereunto affixed in the presence of

SCHEDULE
Designated Public Places

This Order applies to all those public places falling within the administrative area of the Council as delineated on the attached plan in red except those places/premises to which Section 62 of the Act applies.