PUBLIC SPACES PROTECTION ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

LIVERPOOL CITY COUNCIL

PUBLIC SPACES PROTECTION ORDER 2018 (PSPO00/13)

This Order is made by Liverpool City Council ("the authority") in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") because it appears to the authority that a Public Spaces Protection Order would be beneficial for tackling crime and anti-social behaviour ("the activities") in the area of Liverpool.

Liverpool City Council ("the authority") is satisfied that street drinking is being carried out, or it is likely that such activities will be carried out, in public places within the area to which this Order applies.

Liverpool City Council ("the authority") is satisfied this is having or it is likely to have a detrimental effect on the quality of life of those in the locality and the effect of these activities is of a persistent or continuing nature, such as to make the activities unreasonable. As such the Authority is satisfied that the conditions set out in Section 59 of the Act have been satisfied and that it is in all the circumstances just and expedient to make this order.

The area to which this Order relates is all that land as outlined in red on the attached plan and described in the Schedule.

1. The activities which are prohibited or required by this Order are:

1.1 All persons are prohibited from drinking alcohol within a Public Place save for those set out in schedule two of this order.

1.2 Where an authorised person reasonably believes that a person:

   a) Is or has been consuming alcohol in breach of this Order; or

   b) Intends to consume alcohol in circumstances which would be a breach of this Order
The authorised person may require any of the activities set out in article (1.3) or (1.4) to be done.

1.3 Not to consume alcohol or anything which the authorised person reasonably believes is alcohol in breach of this Order; and

1.4 To surrender anything in the person’s possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.

2. Offences

2.1 It is an offence under Section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 for a person without reasonable excuse to fail to comply with a requirement imposed on him by an authorised person under this Order.

2.2 A person guilty of an offence under Section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level 2 on the standard scale. Alternatively an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63.

3. Definitions

3.1 In this order public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, except for those premises or places listed in Schedule two to this Order.

3.2 Authorised person as stated in paragraph 2.2 of this order means a Police Constable, any authorised Police Community Support Officer or any Officer authorised by Liverpool City Council.

3.3 Alcohol has the same meaning given by section 191 of the Licensing Act 2003.

4. Effect and duration

4.1 This Order is made on 29th May 2018 by Liverpool City Council under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 and takes effect from that date.

4.2 This Order shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
THE COMMON SEAL OF LIVERPOOL CITY COUNCIL was hereunto affixed the ..........day of .................2018 in the presence of:

[Signature]

PRINCIPAL SOLICITOR
Schedule One – Prohibited Area

The area to which this order applies is as shown outlined in red and being that part of Liverpool bounded by the following roads and places as shown more particularly delineated on the plan attached to this order marked as ["Proposed Public Spaces Protection Order Boundary"];

1. The Northern Eastern footways of New Islington, Hunter Street and Leeds Street to the North,
2. The River Mersey to the West,
3. The Southern Dock Wall of the Queens Dock, Sefton Street, Hill Street, St James Place and the Southern footway of Parliament Street to the South and;
4. The Eastern or Northern footway of Catherine Street, Mulberry Street, Oxford Street, Mount Pleasant, Brownlow Hill, Great Newton Street, Pembroke Place, Daulby Street and Moss Street to the East.

Schedule Two – Places Exempt from the Prohibition

1. Premises (other than council operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
2. Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
3. A place within the curtilage of premises within paragraph (1) or (2) of this schedule;
4. 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;
5. 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).
6. 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.
“Proposed Public Spaces Protection Order Boundary”
Plan referred to in Liverpool City Council (Prohibition on the Consumption of Alcohol in Public Places) (City Centre) Public Spaces Proection Order 2015

Date: 1/12/2017
Scale: 1: 15000
Drawn By: MC  Checked By: 
PLAN No
LS 52762

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