

GLOUCESTER CITY COUNCIL

THE COUNCIL OF THE CITY OF GLOUCESTER (PUBLIC SPACES PROTECTION ORDER 2018) (ALCOHOL PROHIBITION) EXTENSION ORDER 2024

Section 60, Anti-Social Behaviour, Crime and Policing Act 2014

DATED: 30th day of November 2024

The Council of the City of Gloucester (referred to hereafter as 'the Council') hereby makes the following Public Spaces Protection Order. The land outlined in red in Appendix 2 being land in the area of the Council ("the Designated Area") is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") applies and is protected by the Order.

This Order may be cited as the Council of the City of Gloucester (Public Spaces Protection Order 2018) (Alcohol Prohibition) Extension Order 2024 ("the Order").

The Council in exercise of its power under section 60 of the Act and of all other enabling powers being satisfied that that the conditions set out in section 60 of the Act have been met hereby extends the Original Order which came into force on 30th November 2018 and was extended by Order which came into force on 30th November 2021, the following shall be the second extended Order coming into force on 30th November 2024.

The prohibitions, which are contained in Paragraph 1 of Appendix 1, are imposed on the use of the Designated Area, and are summarised as follows:

No person shall consume alcohol in the Designated Area as described in paragraph 1 of Appendix 1 unless subject to the exemptions listed in paragraph 2 of Appendix 1

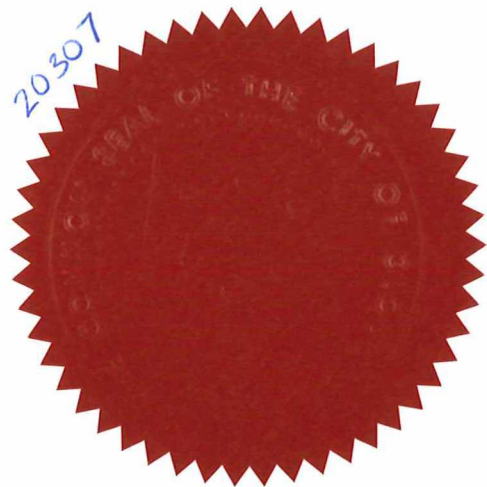
GENERAL PROVISIONS

- 1. **A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.
- 2. "Authorised Person" means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

In issuing the order the authority is satisfied that:

- 1 (a) Anti-social behaviour associated with alcohol consumption ('the named activities') carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or
(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect
- 2 The effect, or likely effect, of the named activities:
(a) is, or is likely to be, of a persistent and continuing nature;
(b) is, or is likely to be, such as to make the activities unreasonable; and
(c) justifies the restrictions imposed by the notice
- 3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
- 4. If an interested person wishes 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, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto)
is authenticated by the undersigned)
a person authorised by the said)
Council to act for that purpose)



T. Clark
Authorised Signatory *Tom Clark, Principal Lawyer*

Dated this *28th* day of November 2024

Appendix 1

1. Prohibition of alcohol consumption

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

- a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) 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.

2. Premises etc. to which alcohol prohibition does not apply

(1) A prohibition in a public spaces protection order 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).

(2) 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.

(4) For the purposes of this section, premises are "council-operated licensed premises" if they are authorised by a premises licence to be used for the supply of alcohol and-

- (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.

APPENDIX 2

City Centre Alcohol Free Zone

