

BASINGSTOKE AND DEANE BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER

Basingstoke and Deane Borough Council (“the Council”) in exercise of its powers under Sections 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, makes the following Order known as:

The Basingstoke and Deane Borough Council (Alcohol Related Antisocial Behaviour) Public Spaces Protection Order 2024.

1. This Order applies to the public places described in Schedule 1 to this Order and shown edged in black on the map attached to Schedule 1.
2. The Council is satisfied conditions below have been met, in that:-
 - 2.1 activities carried on in the Restricted Area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect and
 - 2.2 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 Order.
3. This Order will come into force on the **8th November 2024** and ends on **7th November 2027**. It will last for 3 years unless extended, varied or discharged by further Orders under the Council’s statutory powers.

GENERAL PROVISIONS

4. DEFINITIONS

- 4.1 “Restricted Area” means the public places described in Schedule 1 to this Order and shown edged in black on the map attached to Schedule 1.
- 4.2 “Authorised person” means a police officer, an employee of Basingstoke & Deane Borough Council or other person who is authorised in writing by the Council.
- 4.3 “Public place” means any place in the administrative area of the Council to which the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission. The administrative area of the Council is the land edged black in Schedule 1.

5. PROHIBITIONS

5.1 The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times:

5.1.1 It shall be an offence for any person to refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by a police officer or authorised officer in order to prevent public nuisance or disorder, unless:

5.1.2 A person has a reasonable excuse for failing to do so.

6. FAILURE TO COMPLY WITH THE ORDER

6.1 Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at Article 5.1 in this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

6.2. Fixed Penalty

An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The level of the fixed penalty shall be £100 and must be paid within 14 days of the notice being issued, save that if the fixed penalty is paid within 10 days following the date of the notice, the amount payable is reduced to £75. A person committing an offence and failing to pay the fixed penalty may be prosecuted.

8. EXEMPTIONS

8.1 The prohibition on this order shall apply to all persons causing alcohol related anti- social behaviour, however, where it is clear that an individual has a reasonable excuse or lacks the ability to comply, authorised officers will apply discretion and seek further guidance from partners regarding the most effective way to support the individual and taking into account the Council's responsibility under the Equalities Act 2020 and safeguarding duty.

9. APPEALS

9.1 Any challenge to this Order must be made at the High Court by an Interested Person within 6 weeks of it being made.

9.2 Interested Persons can challenge the validity of the Order on two grounds:

i) that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or

ii) that the requirements under chapter 2 Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014, have not been complied with.

9.3 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, or vary it or discharge it.

Dated this 22nd day of October 2024

THE COMMON SEAL OF BASINGSTOKE)
AND DEANE BOROUGH COUNCIL)
Was hereto affixed in the presence of:)
[REDACTED])
Authorised Signatory.



32446

Ann Greaves
Legal Services Manager

**SCHEDULE 1
RESTRICTED AREAS**

The order will apply to those areas shown on the map which are Basingstoke town centre, War Memorial Park, Eastrop Park, Glebe Gardens, Holy Ghost Cemetery, Victory Park and small sections of Brookvale and Kings Furlong, Eastrop and Grove and Norden wards within the whole area of Basingstoke and Deane Borough Council as shown on the map below.



Ann Greaves
Legal Services Manager

