

THE BOROUGH OF GOSPORT PUBLIC SPACES PROTECTION ORDER (CONSUMPTION OF ALCOHOL)

In 2007 Gosport Borough Council (the "Council") made an Alcohol Consumption in Designated Places Order for its area pursuant to section 13(2) of the Criminal Justice Act 2011 (the "DPPO").

The DPPO applies to all public places in the Borough of Gosport save licensed premises.

By virtue of section 75 of The Anti-social Behaviour Crime and Policing Act 2014 (the "Act") the DPPO on 20th October 2017 automatically convert to a public spaces protection order under section 59 of the Act (PSPO).

1. Interpretation

1.1 "Authorised Person" means a Council Officer authorised by the Chief Executive of the Council or a police constable or police community support officer, who must present their authority upon request;

1.2 "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 save any premises specified in section 61 of the Act (the text of which is produced in schedule 1 to this order), which the alcohol prohibition does not apply

2. Restrictions

(1) This section applies where an Authorised Person reasonably believes that a person (P)—

- (a) is or has been consuming alcohol in the Restricted Area, or
- (b) intends to consume alcohol in the Restricted Area.

(2) The Authorised Person may require P—

- (a) not to consume alcohol or anything which the Authorised Person reasonably believes to be alcohol;
- (b) to surrender anything in P's possession which is, or which the Authorised Person reasonably believes to be, alcohol or a container for alcohol.

(3) An Authorised Person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an Authorised Person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) an Authorised Person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

3. Penalty

3.1 A person who fails without reasonable excuse to comply with a requirement imposed on him or her under 2.2 of this PSPO commits an offence and is liable on summary conviction to a fine not exceeding £1,000 on the standard scale.

This order shall take effect on 20th October ²⁰¹⁷ and remain in force until 20th October 2020.

Executed as a Deed by affixing the
Common Seal of **GOSPORT**
BOROUGH COUNCIL in the presence of:-

J. S. Paterson
Senior Solicitor




Schedule 1

Prohibition on consuming alcohol

62 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.
- (3) In this section--
- "club premises certificate" has the meaning given by section 60 of the Licensing Act 2003;
- "premises licence" has the meaning given by section 11 of that Act;
- "supply of alcohol" has the meaning given by section 14 of that Act.
- (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.

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Senior Solicitor