

BRIGHTON & HOVE CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT
2014
BRIGHTON & HOVE CITY COUNCIL (CONSUMPTION OF
ALCOHOL) PUBLIC SPACES PROTECTION ORDER 2023

- A. Brighton & Hove City Council (“the Council”) is satisfied that the requirements of Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been fulfilled and that it is, in all the circumstances, appropriate to make this Order.
- B. The Council is satisfied on reasonable grounds that the activity specified by this Order, namely the consumption of alcohol (“the Prohibited Activity”), having been carried on or being likely to be carried on in the Restricted Area (as hereinafter defined) has had or will have a detrimental effect on the quality of life of those in the locality.
- C. The Council is further satisfied on reasonable grounds that the effect, or the likely effect, of the Prohibited Activity-
- a. is, or is likely to be, of a persistent or continuing nature;
 - b. is, or is likely to be, such as to make the Prohibited Activity unreasonable; and
 - c. justifies the restrictions imposed by this Order.
- D. The Council is satisfied that the prohibitions and requirements imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect of the Prohibited Activity from continuing, occurring, or reoccurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The Council in exercise of its powers under Section 59 of the Act hereby makes the following Order:

1. This Order may be cited as the Brighton & Hove City Council (Consumption of Alcohol) Public Spaces Protection Order 2023.

Commencement and Duration

2. (1) This Order shall come into force on the XX October 2023
- (2) The provisions of this Order shall remain in force until the XX October 20XX unless extended or discharged before that date.

Interpretation

3. In this Order:-

“the Act” means the Anti-social Behaviour, Crime and Policing Act 2014;

“Authorised Person” means a constable, a police community support officer, or other person authorised for the purposes of this Order by the Council;

“the Council” means Brighton & Hove City Council;

“the Prohibited Activity” means the consumption of alcohol;

“Public Places” 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;

“Restricted Area” means all Public Places within the City of Brighton & Hove save for premises specified under Section 62 of the Act.

Prohibitions

4. In the Restricted Area it is prohibited for a person:-

- (i) to continue to drink alcohol when required to stop doing so by an Authorised Person;
- (ii) not to surrender any alcohol in his or her possession when required to do so by an Authorised Officer.

5. Where an Authorised Person reasonably believes that a person in the Restricted Area (a) is or has been consuming alcohol in breach of this Order or (b) intends to consume alcohol in circumstances in which doing so would be a breach of this Order, the Authorised Person may require that person :-

- (i) not to consume, in breach of the Order, alcohol or anything which the Authorised Person reasonably believes to be alcohol;
- (ii) to surrender anything in that person’s possession which is, or which the Authorised Person reasonably believes to be, alcohol or a container for alcohol.

Failure to comply with the Order

6. A person who fails without reasonable excuse to comply with a requirement imposed on them by paragraph 5. of this Order commits an offence under Section 63 of the Act and is liable on summary conviction to a fine not exceeding Level 2 on the standard scale.

7. An Authorised Person may issue a fixed penalty notice under Section 68 of the Act to anyone they have reason to believe has committed an offence under Section 63 of the Act.

Validity of Order

8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or to include particular prohibitions or requirements imposed by the Order, or that any requirement of the Act has not been complied with in relation to this Order, they may apply to the High Court within six weeks from the date on which this Order is made.

Made under the Common Seal of
Brighton & Hove City Council
thisday of 2023

The Common Seal of
Brighton & Hove City Council was affixed
to this Order in the presence of

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Authorised Officer

