

Appendix B

Eastbourne Borough Council

Anti-social Behaviour, Crime and Policing Act 2014, Part 4, Chapter 2

Eastbourne Public Spaces Protection Order (Consumption of Alcohol) 2017

Eastbourne Borough Council (“the Council”), in exercise of its power under sub-section 59(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions set out in sub-sections 59(2) to (3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the “Order”):

1. This Order shall be known as the Eastbourne Public Spaces Protection Order (Consumption of Alcohol) Order 2017.
2. This Order shall come into force on [date] and shall have effect for a period of 3 years unless extended pursuant to section 60 of the Act.
3. Save for premises specified under section 62 of the Act, this Order applies to the areas edged in black on the Plan in the Schedule to this Order (“the Restricted Area”).
4. BY THIS ORDER:
 - 4.1 The Borough of Eastbourne (Designated Public Places: Consumption of Intoxicating Liquor) Order 2002 is revoked.
 - 4.2 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 Officer;
 - (ii) not to surrender any alcohol in his or her possession when required to do so by an Authorised Officer.
 - 4.3 Where an Authorised Officer 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 Officer may require that person–
 - (i) not to consume, in breach of the Order, alcohol or anything which the Authorised Officer 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.

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5. An “Authorised Officer” means a duly authorised Council officer, a person designated by the Council, a Police Officer or Police Community Support Officer.
6. A person who fails without reasonable excuse to comply with a requirement imposed on him under paragraph 4.3 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
7. If any person who lives in, regularly visits or works in the Restricted Area 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 six weeks from the date on which this Order is made.

GIVEN under the COMMON SEAL of EASTBOURNE BOROUGH COUNCIL this [*nth* day of *month and year*]

THE COMMON SEAL OF
EASTBOURNE BOROUGH COUNCIL
was hereunto affixed in the presence
of:-

Authorised signatory

[*Insert Schedule*]