

# (Alcohol) Public Spaces Protection Order No.1 of 2021

## PREAMBLE

Further to public consultation and by decision dated 20 October 2021

- A. Epsom & Ewell Borough Council is satisfied that alcohol is being consumed in public places in areas covered by this Order and the consumption of alcohol in those public places is having a detrimental effect on the quality of life of those in the locality.
- B. Epsom & Ewell Borough Council is also satisfied that it is likely that alcohol will continue to be consumed in those places and that is likely to have a detrimental effect on the quality of life of those in the locality.
- C. Epsom and Ewell Borough Council makes this (Alcohol) Public Spaces Protection Order No.1 of 2021 in the terms set out below and in making this Order has had regard to the Human Rights Act 1988 which covers Convention rights of freedom of expression (Article 10) and freedom of assembly and association (Article 11) and has complied with the requirements of the public sector equality duty under the Equality Act 2010.

## ORDER

Epsom and Ewell Borough Council makes the following order in exercise of its powers under section 59-61 of the Anti-Social Behaviour Crime and Policing Act 2014.

1. This Order may be cited as Epsom and Ewell Borough Council (Alcohol) Public Spaces Protection Order No.1 of 2021 ("Order 1 of 21"). **This Order takes effect on the 23 December 2021 and continues to have effect for a period of three years thereafter until 22 December 2024.**
2. This Order applies to the land described in Schedule 1 below ("Restricted Area") and which is shown edged red on the attached plan found in Schedule 2 ("the Order plan").
3. This Order applies to all persons in public places within the Restricted Area at all times of the day and night, save where otherwise stated in the prohibitions and requirements.

## PROHIBITIONS AND REQUIREMENTS

Unless one of the exceptions applies all persons at all times are prohibited from drinking alcohol within the Restricted Area.

Where an authorised officer who reasonably believes a person has been drinking alcohol, in breach of the prohibition, or intends to drink alcohol where to do so would be a breach, the authorised officer may require the person:

- (i) not consume alcohol, or anything the officer reasonably believes to be alcohol in breach of the prohibition; and/or
- (ii) to surrender anything in that person's possession which is, or which the officer reasonably believes to be, alcohol or a container for alcohol.

Before the authorised officer can require the person to do or refrain from doing something described

in (i) and/or (ii), the authorised officer must tell the person that failing without reasonable excuse to comply is an offence.

If the authorised officer is asked by that person to show evidence the authorised officer's authority and fails to do so, the requirement to do or refrain from doing something described in (i) and/or (ii) is not valid.

An authorised officer may dispose of anything surrendered under circumstances described in (ii) in whatever way the authorised officer thinks appropriate.

## **EXCEPTIONS**

Nothing in this Order shall apply to a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at Schedule 3 of this Order.

## **DEFINITIONS**

For the purposes of this Order:

'Alcohol' has the meaning given by section 191 of the Licensing Act 2003.

An 'authorised officer' could be a police constable, Police Community Support Officer or a person designated by Epsom and Ewell Borough Council under a Grant of Authority (made on the template in Schedule 4) and must be able to present their authority upon request.

A '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.

## **OFFENCE AND PENALTY**

Any person who, without reasonable excuse, breaches the prohibition or fails to comply with a requirement imposed in circumstances under (i) or (ii) above commits an offence. On summary conviction a court may impose a fine up to £1000 (level 3 on the standard scale).

## **ENFORCEMENT**

The prohibitions and requirements under this Order are enforced by Epsom and Ewell Borough Council. Any authorised officer may issue a fixed penalty notice (FPN) to a person who has committed an offence under this Order. An FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability for conviction for the offence by payment of a fixed penalty to Epsom and Ewell Borough Council.

The penalty is fixed at £100.00, reduced to £80.00 if payment is made in 14 days of the date of issue of an FPN. No proceedings will be taken against a person before the expiration of 28 days following the date of the FPN. Failure to pay the penalty in 28 days may result in prosecution.

In deciding whether to issue a FPN as an alternative to prosecution Epsom and Ewell Borough Council follows its own Environmental Health and Licensing Enforcement Policy and the Code for Crown Prosecutors.

## **CHALLENGING THE MAKING OF THIS ORDER**

In accordance with section 66 the Anti-Social Behaviour Crime and Policing Act 2014, any challenge to this order must be made in the High Court by any interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area.

This Order takes effect on the 23 December 2021 and continues to have effect for a period of three years thereafter until 22 December 2024.

14784



The Common Seal of Epsom & Ewell  
Borough Council was affixed in the  
presence of:

*IC. Beld*

Authorised officer

## Schedule 1 – Restricted Area

### Epsom

- Albert Road, Alexandra Recreation Ground, Alexandra Road, Andrews Close, Ashley Avenue and Ashley Road
- Bridle End, Bridle Road and Burgh Heath Road
- Cedar Close, Chase Road, Church Road, Church Street, Clayton Road, College Road (from Church Road to Alexandra Road), Copse Edge Avenue and Court Recreation Ground
- Delaporte Close, Depot Road, Derby Square (also known as Epsom Square) and Downs Road
- East Street, Eastway and Elizabeth Welchman Gardens
- Farriers Close, Farriers Road, footpath between Chase Road/Temple Road junction and the footpath at 61 Waterloo Road, footpath between East Street and Waterloo Road, footpath between Hook Road and Temple Road, footpath between Pound Lane and Waterloo Road
- Gosfield Road, Grove Avenue and Grove Road
- Hawthorne Place, Hazon Way, High Street, Hook Road (from East Street to Pound Lane), Horsley Close (from Hazon Way to Waterloo Road) and Horton Footpath
- Leith Road, Linden Place, Lintons Lane and Lower Court Road
- Maidenshaw Road, Manor Green Road (from Lower Court Road to Upper Court Road) Middle Close, Middle Lane and Mounthill Gardens
- Pikes Hill, Pitt Place, Pitt Road, Portland Place, Pound Lane and Prospect Place
- Randolph Road, Rosebery Avenue and Rosebery Park
- South Street, Station Approach (and the alleyway leading from Station Approach under Hudson House including the carparks beneath Hudson House), Stevens Close, St Martin's Close and Stones Road
- Temple Road, The Croft, The Oaks Square, The Parade, Tintagel Close and Treemount Court
- Upper Court Road, Upper High Street
- Victoria Place
- Waterloo Road, West Street (from Station Approach to South Street), Wimborne Close, Winter Close (including the children's play area), Worple Road (from The Parade to Church Street), Wyeths Road and Wyeths Mews

### Ewell

- Bourne Hall Gardens
- Chessington Road (from Spring Street to Kingston Road)
- Gibraltar Recreation Ground
- High Street
- Kingston Road (from High Street to Ewell By-Pass)
- Spring Street
- The Grove
- West Street

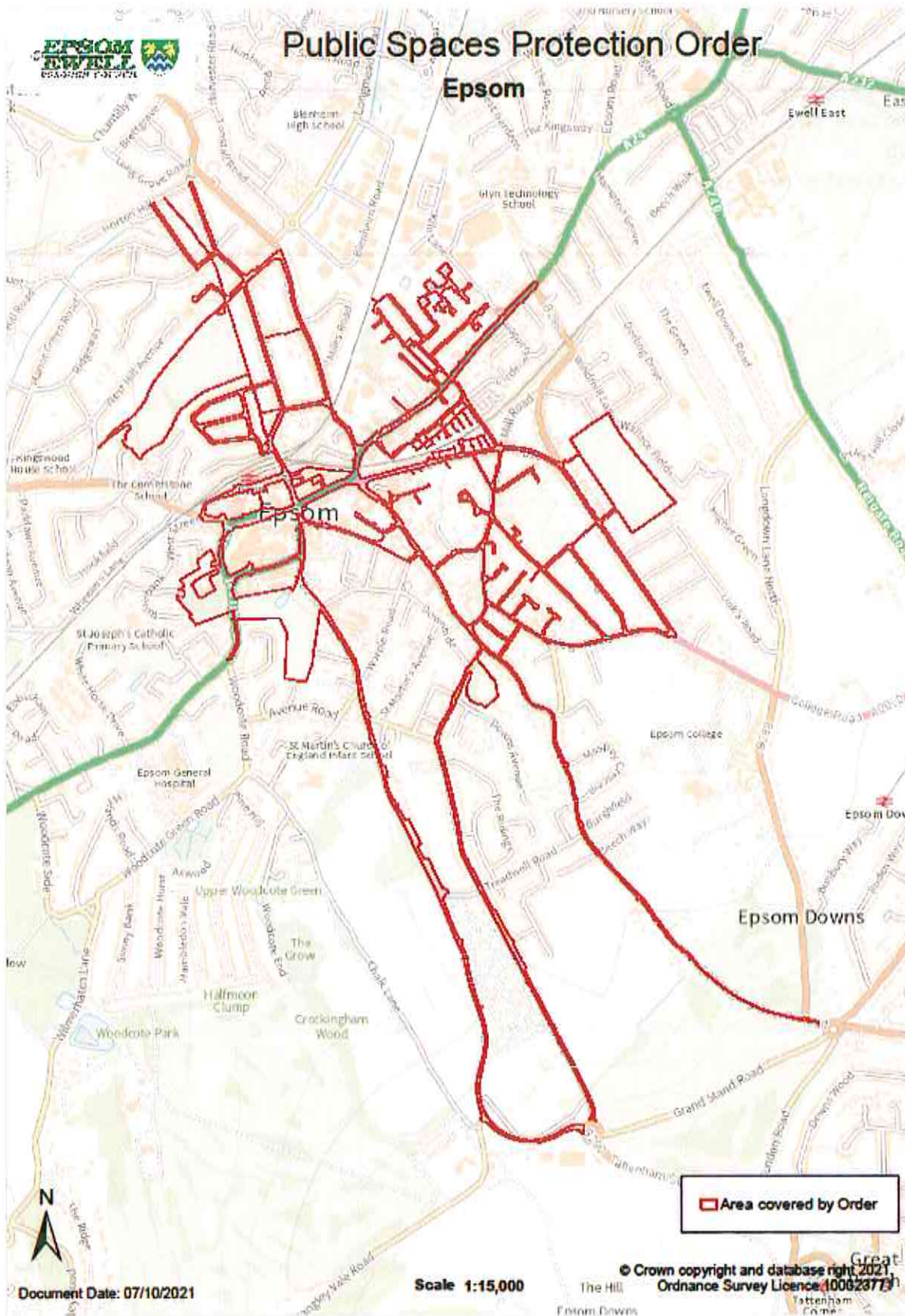
### Langley Vale

Langley Vale including the following roads and all footpaths and areas in between:

- Beaconsfield Road

- **Grosvenor Road**
- **Harding Road**
- **Langley Close**
- **Mannamead, Mannamead Close and Millers Copse**
- **Rosebery Road**
- **Saddlers Way, Spencer Close, Stable Close and Strand Close**
- **The Hayes and The Warren**
- **Vale Close**
- **Warren Recreation Ground**

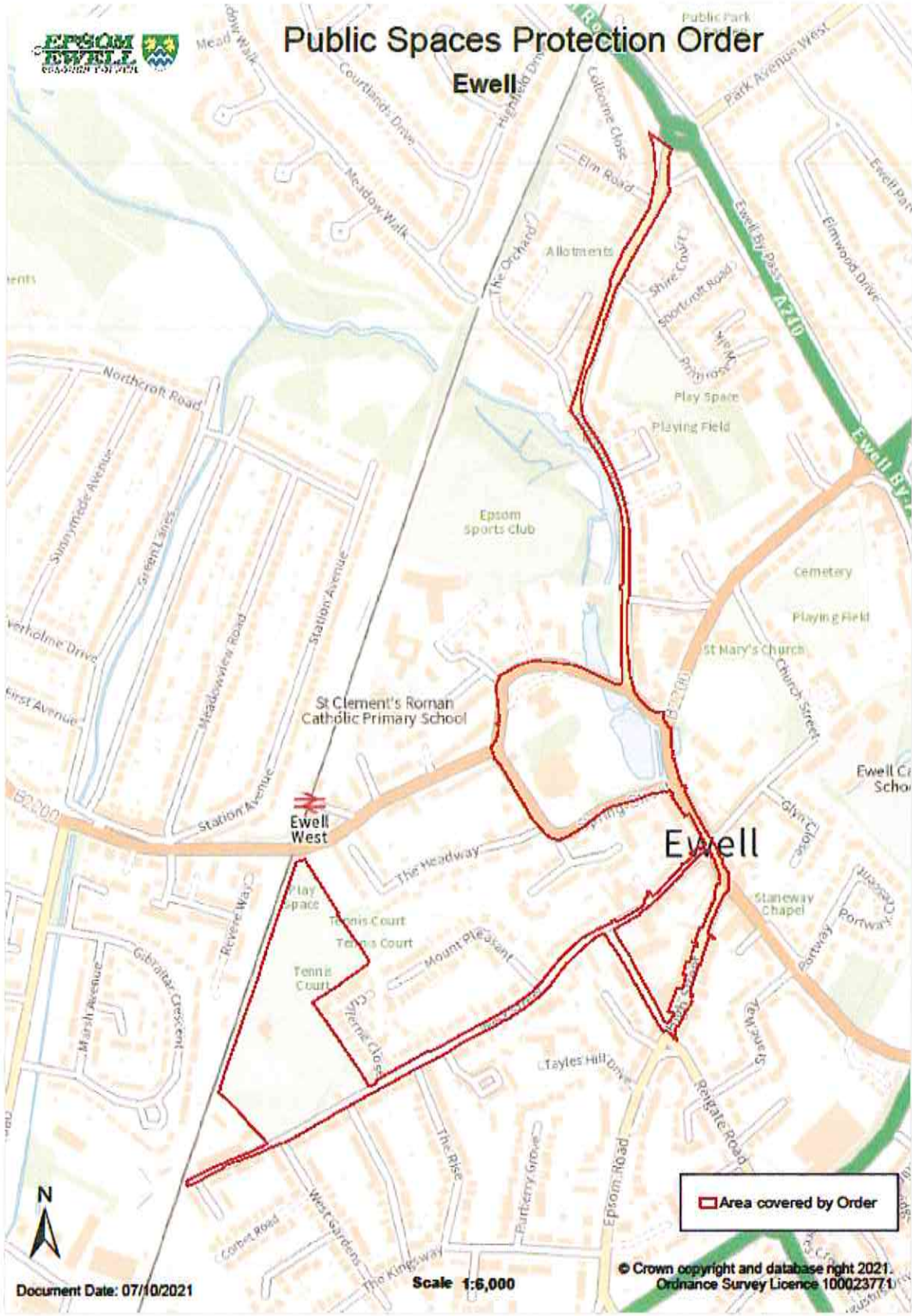
# Schedule 2 – Plans of Restricted Area Epsom





# Public Spaces Protection Order

## Ewell



Area covered by Order



Document Date: 07/10/2021

Scale 1:6,000

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# Public Spaces Protection Order Langley Vale





### **Schedule 3: Premises etc to which alcohol prohibition does not apply.**

#### *Section 62 Anti-social Behaviour, Crime and Policing Act 2014*

*(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.*

## **Schedule 4: Grant of Authority**

EPSOM AND EWELL BOROUGH COUNCIL

Public Spaces Protection Orders. Anti-Social Behaviour Crime and Policing Act 2014.

OFFICER AUTHORITY

To: [OFFICER]

Date: [INSERT DATE] 2021

Subject matter: EEBC – PSPO for Alcohol Control

Authority: Chief Executive of Epsom and Ewell Borough Council

Signed: Name: Designation: