

# Order for the Extension of a Public Space Protection Order under The Anti-Social Behaviour, Crime and Policing Act 2014

## Eden District Council

### Public Spaces Protection Order

Eden District Council in exercise of its powers under section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"), hereby extends the Public Spaces Protection Order 2018 ("the Order") by making the following Order:-

**THIS ORDER** is made by Eden District Council ("the Council") because the Council is satisfied on reasonable grounds that the conditions at section 59 (2) and (3) of the Act are met as follows:

- activities carried on or likely to be carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality,
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice

**AND** that an extension of the Order is necessary under section 60(2) to prevent -

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.

1. This Order relates to the public spaces edged black on the attached plans in Alston, Appleby, Kirkby Stephen, Penrith and Shap within in the Council's area ("the Restricted Areas") to which the Act applies.
2. This Order shall come into force for a period of 36 months from 2 May 2021, unless extended by additional orders under the Council's statutory powers.
3. The effect of this Order is to prohibit the consumption of alcohol (licensed premises excluded) or the possession of an open container of alcohol within the Restricted Areas.
4. Under section 63 of the Act where a constable or an authorised person reasonably believes that a person is, or has been, consuming alcohol in breach of this Order, or intends to consume alcohol in breach of this Order, the constable or authorised person may require that person:
  - a. not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
  - b. to surrender anything which is, or which the constable or authorised person reasonably believes to be, alcohol or a container of alcohol.

**Offence**

5. It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or authorised person under section 63 of the Act and a person guilty of this offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Penalty**

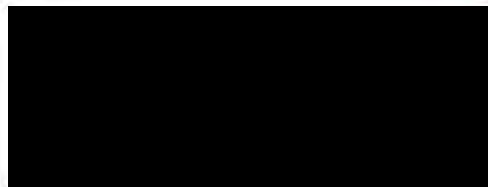
6. A constable or authorised person may issue a fixed penalty notice of not more than £100 to anyone he or she has reason to believe has committed an offence under section 63 of the Act.

**Appeal**

7. 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 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 of this Order.

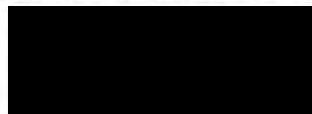
Dated 30<sup>th</sup> April 2021

The **COMMON SEAL** of  
**EDEN DISTRICT COUNCIL**  
was here unto affixed  
in the presence of:



Chairman

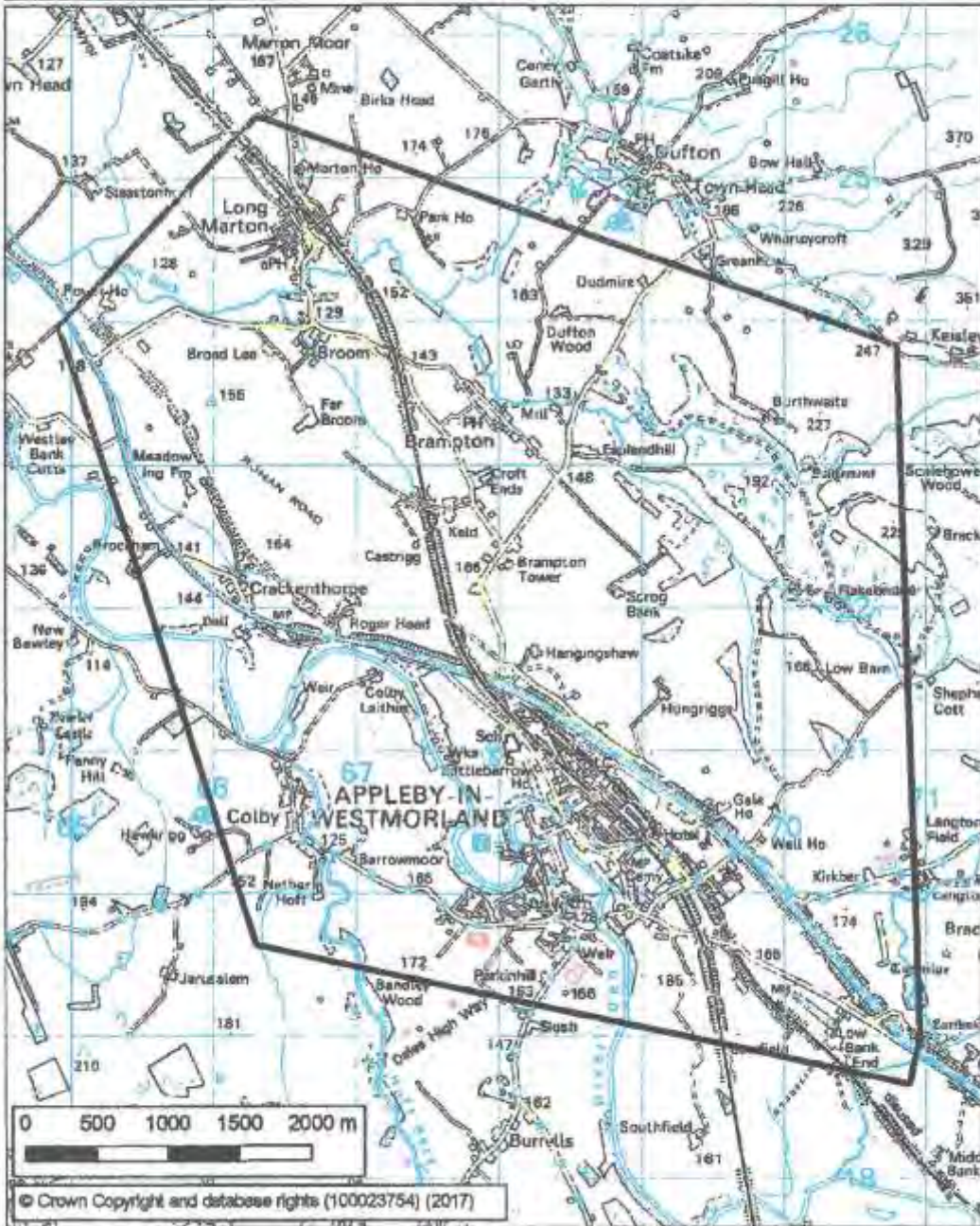
Assistant Director Legal and Democratic Services



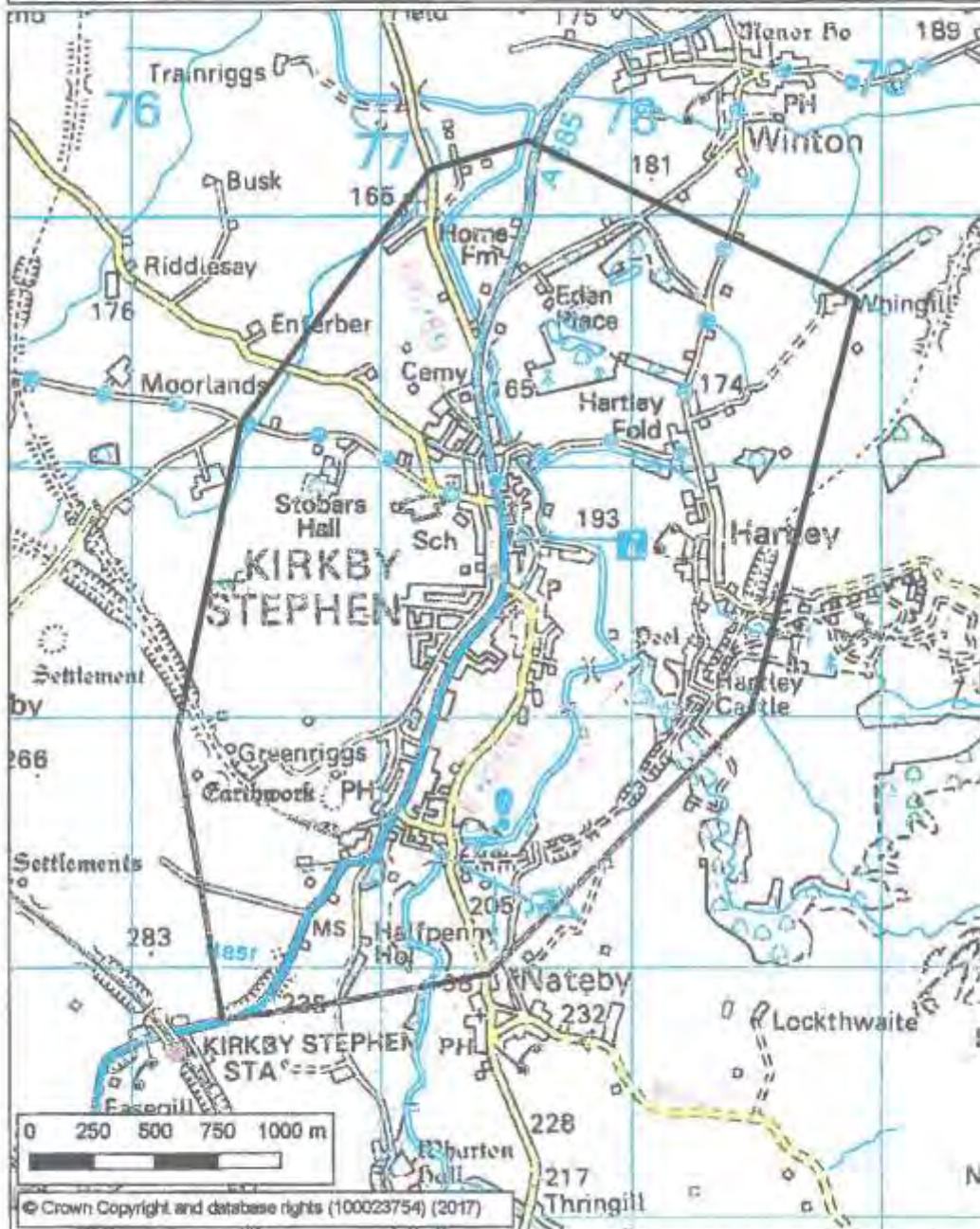
Public Spaces Protection Order  
Alston



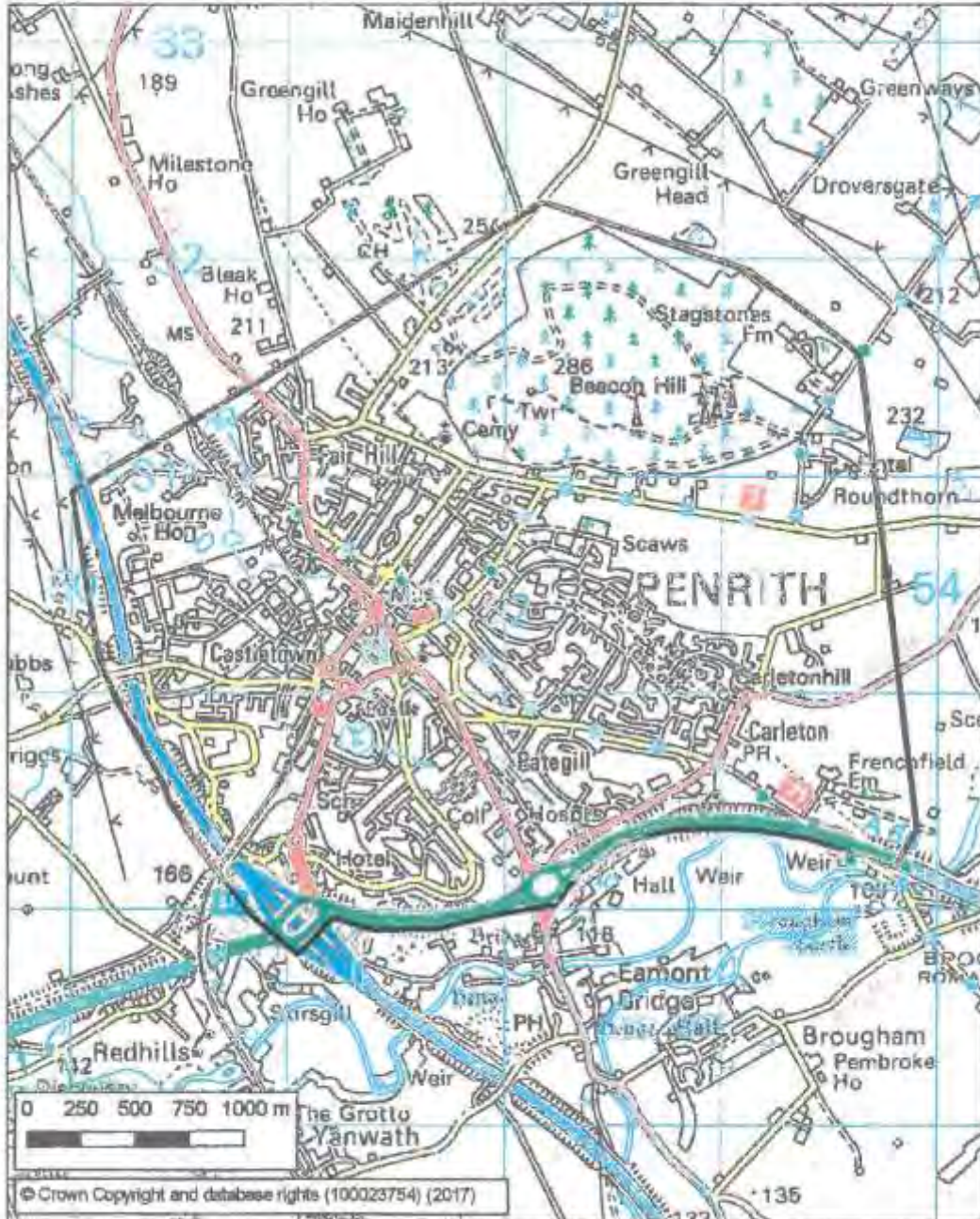
Public Spaces Protection Order  
Appleby



Public Spaces Protection Order  
Kirkby Stephen



Public Spaces Protection Order  
Penrith



Public Spaces Protection Order  
Shap

