

# The Anti-Social Behaviour, Crime and Policing Act 2014

## Swale Borough Council

### Public Spaces Protection Order (No. 2 of 2023)

#### Alcohol Control

In exercise of its powers under sections 59, 60 and 61 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") Swale Borough Council hereby makes the following extension to the existing Orders ("Sittingbourne Town Centre", "Sheerness Town Centre", "Leysdown" and "Faversham").

Swale Borough Council ("the Council") is satisfied that the conditions set out in section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") have been met in the public areas of the borough of Swale in that alcohol related anti-social behaviour is being carried out, namely drunken rowdy behaviour and that these activities have had, or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect.

The Council is satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that in all circumstances it is expedient to make this Order for the purposes of reducing crime and/or anti-social behaviour in a public place.

**The Council in exercise of its powers under sections 59, 63 and 72 of the Act and under all other enabling powers, hereby makes the following Order:**

1. This Order relates to any public place within the land as detailed in Schedule 1 ("the Restricted Areas").
2. All persons are prohibited from consuming alcohol within the Restricted Areas and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person, when it is believed by that authorised person that they are either committing or likely to commit anti-social behaviour in a public place.
3. An authorised person can require any person:
  - a. Not to consume alcohol or anything the authorised person reasonably believes to be alcohol;
  - b. To surrender anything in the person's possession which is, or which the authorised person reasonably believes to be alcohol.
4. Any surrendered items are to be retained by the authorised person and safely disposed of as appropriate.
5. It is an offence under section 63 of the Act for a person without reasonable excuse to fail to comply with a requirement of this Order. A person found to be in breach of this Order is liable upon summary conviction to a maximum penalty of a level 2 fine or an

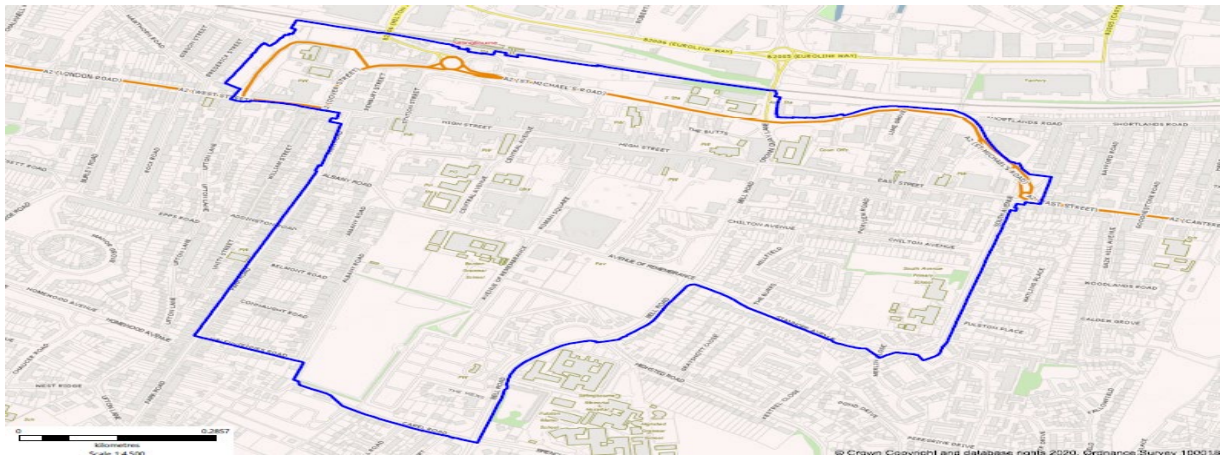
authorised officer may issue a Fixed Penalty Notice of up to £100 to anyone who he or she has reason to believe has committed an offence under the Act.

**This Order shall come into force on the 20<sup>th</sup> day of October 2023 and shall have effect for a period of three years thereafter, unless extended by further orders under the Council's statutory powers.**

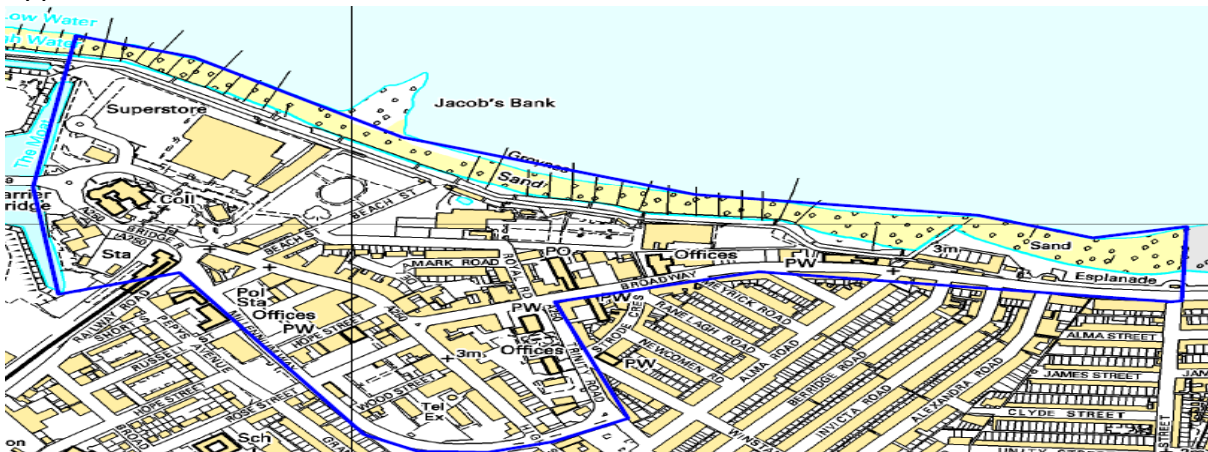
## Schedule 1

The Restricted Areas are shown as edged in dark blue on maps listed below. This includes all spaces within the dark blue outlines that are accessible to the public except that it does not apply to premises listed in section 62 of the Act.

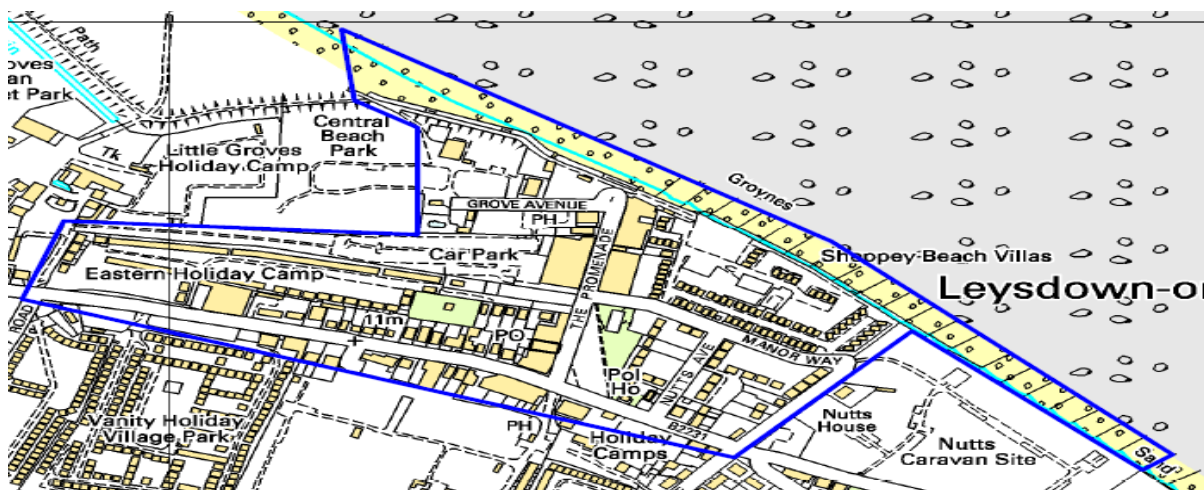
### Appendix A – Sittingbourne



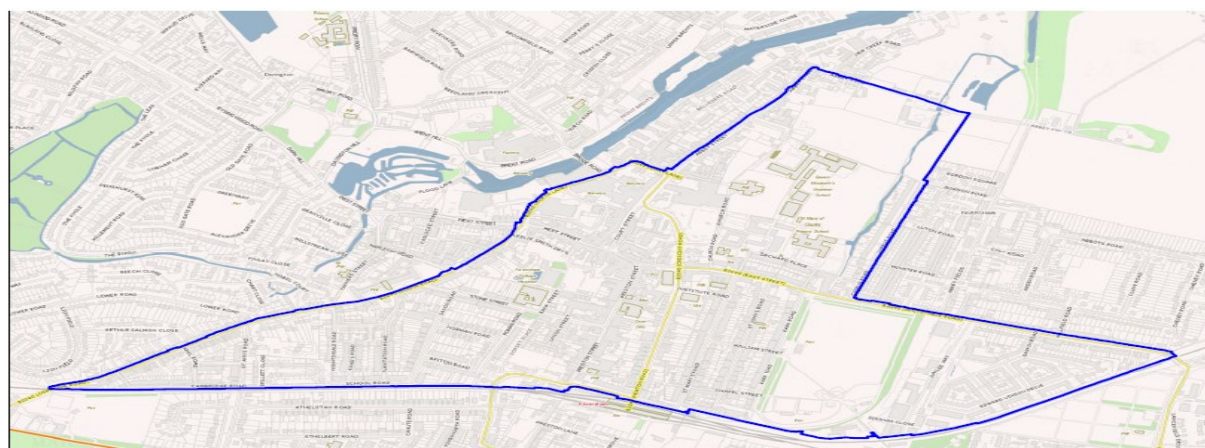
### Appendix B – Sheerness



### Appendix C – Leysdown



Appendix D – Faversham



## Right of Appeal

If any interested person wishes to question the validity of this Order on the grounds that the Council did not have the power to make the Order or that any requirement of the Act has not been complied with, he or she may apply to the High Court within six weeks from the date in which this Order is made.

GIVEN under the Common Seal of Swale Borough Council on the 12<sup>th</sup> day of October 2023

THE COMMON SEAL of Swale Borough Council:-

Was hereunto affixed in the presence of:-