

Teignbridge District Council (“**the Council**”) makes this Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“**the Act**”) and all other enabling powers, having consulted with relevant parties as required by Section 72 of the Act.

Commencement

1. This Order shall come into operation on *[to be inserted]* for a period of 3 years thereafter unless extended by further orders under the Council’s statutory powers.

Restricted Area

2. Subject to paragraph 7 of this Order, the Order relates to all public places within the boundary edged red on the plan appended to this Order and more particularly described in the Schedule, (“**the Restricted Area**”) being land within the Council’s area.

Grounds for the Order

3. Having given rise to nuisance to and complaints from local residents and businesses to both the Council and the Police, the Council considers that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour within the Restricted Area.
4. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met, namely that anti-social behaviour and criminal activities have taken place within the Restricted Area through the use of alcohol and other intoxicating substances which have had a detrimental effect on the quality of life of those in the locality.
5. Further, the Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met, namely that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature; these activities are unreasonable; and justify the Order.

Prohibitions and requirements

6. The effect of this Order is to impose the following prohibitions and/or requirements at all times on a person or persons within the Restricted Area:

- (a) Not to shall shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress to any person within the Restricted Area or on land adjacent to the Restricted Area or to any person living in the nearby area;
- (b) Not to eat, drink, inhale, inject, smoke or otherwise use or prepare substances which have the capacity to stimulate or depress the central nervous system ("**Intoxicating Substances**");
- (c) To:
 - (i) surrender any Intoxicating Substances in their possession;
 - (ii) cease drinking alcohol; or
 - (iii) surrender or dispose of any alcohol in their possession

when asked to do so by an authorised Person (the Police; a Police Community Support Officer; or other person authorised in writing by the Council for the purpose of giving direction under the Order);

- (d) Not to enter or remain in the Restricted Area in an intoxicated state.

UNLESS he/ she has a reasonable excuse for failing to do so; or the part of the Restricted Area is subject to the exemptions listed in paragraph 7 of this Order at the relevant time

Restricted Area Exemptions

- 7. The following parts of the Restricted Area shall be exempt from the restrictions and / or requirements of this Order if at the point in time the relevant prohibition or requirement the person is on:
 - (a) Premises authorised by a valid premises licence for the supply of alcohol;
 - (b) Premises authorised to which a temporary event notice applies for the supply of alcohol;
 - (c) Premises authorised by a valid club premises certificate to be used by the club for the sale of alcohol;
 - (d) A place within the curtilage of premises within paragraph (a), (b) or (c);
 - (e) A place where facilities or activities relating to the sale of consultation of alcohol are at the relevant time permitted by virtue of a permission granted under Section 115E Highways Act 1980 (highway related uses).

Penalties

- 8. In accordance with Section 63 and 67 of the Act, a person found to be in breach of:

- (a) paragraph 6(c)(ii) or 6(c)(iii) of this Order shall be guilty of an offence and liable to a Fixed Penalty Notice of up to £100 or on a summary conviction to a fine not exceeding level 2 on the standard scale;
- (b) any other part of this Order shall be guilty of an offence and liable to a Fixed Penalty Notice of up to £100 or on a summary conviction to a maximum penalty of a level 3 fine on the standard scale.

Appeals

9. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made. An interested person means an individual who lives in the restricted area or who regularly works or visits that area.

Schedule 1 The Restricted Area

All those pieces and parcels of land to which the public are entitled to or permitted to have access (with or without payment) and is open to the air on at least one side and known as:

The Den
The Seafront
Back Beach
The Triangle
Wellington Street
Lower Brook Street

and which for identification is included in the area edged and cross hatched in red on the plan appended to this Order.

THE COMMON SEAL of
TEIGNBRIDGE DISTRICT COUNCIL

Was here unto affixed In the presence of:

Authorised Signatory
Dated:



Teignmouth Town
PSPO#3 map.pdf

DRAFT