

Carmarthenshire County Council

Anti-social Behaviour, Crime & Policing Act 2014

Carmarthenshire County Council (Llanelli Town Centre)
Public Spaces Protection Order 2024

Carmarthenshire County Council ("the Council") hereby makes the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime & Policing Act 2014:

This Order may be cited as the 'Carmarthenshire County Council (Llanelli Town Centre) Public Spaces Protection Order 2024'.

This Order will come into force on the 12 January 2024 and will remain in force for a period of three years.

Introduction

- (a) The anti-social consumption of alcohol, controlled drugs and psychoactive substances in town centres and other public places can have a detrimental effect on the quality of life of people in the locality. It can be detrimental to the appearance of the local area and can result in a broad range of drug crime, nuisance and disorder to the prejudice of the local community.
- (b) The Council is satisfied that the anti-social consumption of alcohol, controlled drugs and psychoactive substances in Llanelli town centre has had, and is likely to continue to have, a detrimental effect on the quality of life of people within the locality.
- (c) The Council is also satisfied that the effect, or likely effect, of the activity:-
 - (i) Is, or is likely to be, of a persistent or continuing nature;
 - (ii) Is, or is likely to be, such as to make the activities unreasonable; and
 - (iii) Justifies the restrictions imposed by this order.
- (d) The Council believe that the prohibitions and requirements imposed by this Order are reasonable.
- (e) The Order seeks to facilitate the safe use and enjoyment of public spaces within the town centre, by giving police constables additional powers which they can use in order to prevent or reduce the risk of anti-social drinking, substance misuse and related crime, nuisance and disorder. Authorised officers of the local authority are also given

additional powers which they can use in relation to anti-social drinking.

- (f) In making this Order the Council has had regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Prohibition on Consuming Alcohol

1. A person shall not consume alcohol on the land to which this Order applies.
2. A person is guilty of an offence if at any time, on land to which this Order applies, they fail to comply with a requirement imposed by a police constable or authorised person requiring them:
 - (a) not to consume, alcohol or anything which the police constable or authorised person reasonably believes to be alcohol; or
 - (b) to surrender anything in their possession which is, or which the police constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
3. A police constable or authorised person who imposes a requirement on a person under paragraph 2 of this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
4. A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of their authorisation and fails to do so.
5. A person will not commit an offence under paragraph 2 of this Order if they can show that they had a reasonable excuse for failing to comply with the requirement.

Requirement to Surrender Paraphernalia

6. A person is guilty of an offence if at any time, on land to which this Order applies, they fail to comply with a requirement imposed by a police constable requiring them:
 - (a) to surrender anything in their possession which the police constable reasonably believes to have been used to assist in the consumption of an intoxicating substance; or
 - (b) to surrender anything in their possession which the police constable reasonably believes is likely to be used to assist in the consumption of an intoxicating substance.

For these purposes, "Consumption" includes the ingestion, injection, inhalation or smoking of an intoxicating substance.

7. Paragraph 6 of this order does not apply to needles, syringes or other items which are in their original packaging, provided that the packaging is still sealed and has not been opened.
8. A police constable who imposes a requirement on a person under paragraph 6 of this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
9. A person will not commit an offence under paragraph 6 of this Order if they can show that they had a reasonable excuse for failing to comply with the requirement.

Land Affected by this Order

10. Subject to the exclusions set out below, this Order applies to all public places within the parts of Llanelli Town centre shown edged with a thick black line on the plan in the Schedule to this Order.

For these purposes, 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.

11. Paragraphs 1 and 2 of this Order do not apply to:-

- (a) premises (other than council operated licensed premises) authorised by a premises license 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) above;
- (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.

12. Paragraphs 1 and 2 of this Order do not apply to council-operated licensed premises:-

- (a) When the premises are being used 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.

13. For the purposes of this Order, 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 the Council; or

(b) The licence is held by another person, but the premises are occupied by the Council, or are managed by or on behalf of the Council.

Interpretation

14. For the purposes of this Order:-

“alcohol” has the meaning given by section 191 of the Licensing Act 2003.

“authorised person” means a person who is authorised by the Council for the purposes of Section 63 of the Anti-social Behaviour, Crime and Policing Act 2014. This can include a person who is not an employee of the Council.

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003.

“Intoxicating substance” means a substance with the capacity to stimulate or depress the central nervous system, but does not include alcohol, tobacco and tobacco products, nicotine, caffeine, medicinal products as defined in the Human Medicines Regulations 2012 (where taken for a demonstrable medicinal use), or any substance which is ordinarily consumed as food (including drink).

“police constable” means a member or special constable of Dyfed Powys Police attested as a constable under section 29 of the Police Act 1996, or a civilian staff member or volunteer designated by Dyfed Powys Police with the power to enforce this Order.

“premises licence” has the meaning given by section 11 of the Licensing Act 2003.

“supply of alcohol” has the meaning given by section 14 of the Licensing Act 2003.

Penalties

15. A person who is guilty of an offence under paragraph 2 of this order shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

16. A person who is guilty of an offence under paragraph 6 of this Order, shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

Dated the 3rd day of January 2024

The Common Seal of
Carmarthenshire County
Council was hereunto
affixed in the presence of:

Linda Rees-Jones
Head of Administration & Law



Schedule