

Carmarthenshire County Council

Anti-social Behaviour, Crime and Policing Act 2014

**Carmarthenshire County Council (Consumption of Alcohol  
in Llanelli Town Centre) Order 2020**

**Notice is Hereby Given** that Carmarthenshire County Council intends to make a Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime & Policing Act 2014

**The Effect of the Proposed Order**

1. The Order prohibits the consumption of alcohol in parts of Llanelli Town Centre and gives police constables and authorised officers enforcement powers where they believe that a person is, or has been, consuming alcohol in the relevant parts the town centre or intends to consume alcohol in these areas. They include:-
  - a) A power to require the person concerned not to consume, alcohol or anything which the police constable or authorised person reasonably believes to be alcohol;
  - b) A power to require the person 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.
  - c) A power to dispose of anything which is surrendered to them, in whatever way they think appropriate.
2. If a person fails without reasonable excuse to comply with a requirement imposed on them by a police constable or an authorised person, they commit a criminal offence and can be prosecuted.
3. A person will not commit an offence under the Order if they can show that they had a reasonable excuse for failing to comply with the requirement.
4. An "authorised person" means a person who is authorised by the Council to enforce the Order.

5. A police constable or authorised person who imposes a requirement on a person under the Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
6. 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.

#### Land Affected by the Order

7. Subject to the exclusions set out below, the Order will apply 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 the 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.

8. The Order will 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.

9. The Order will 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.
10. For the purposes of the Order, premises are “Council-operated licensed premises” if they are authorised by a premises license to be used for the supply or alcohol and:-
- (a) The license is held by the Council; or
  - (b) The license is held by another person, but the premises are occupied by the Council, or are managed by or on behalf of the Council.

### Penalties

11. A person who is convicted of an offence under the Order will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).
12. A person who commits an offence under the Order may be issued with a Fixed Penalty Notice offering them the opportunity to avoid being prosecuted by paying a fixed penalty of up to £100 to the Council.

### **Duration of the Proposed Order**

The Order will last for a period of 3 years from the date when it comes into force.

### **Viewing the Order**

A copy of the [proposed Order](#) (including the plan showing where it applies) can be viewed on the Council’s website.

Date: 13 July 2020

Linda Rees Jones,  
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