

Carmarthenshire County Council

Anti-social Behaviour, Crime & Policing Act 2014

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

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 (Consumption of Alcohol in Llanelli Town Centre) Order 2020'.

This Order will come into force on the 1<sup>st</sup> October 2020 and will remain in force for a period of three years.

**Introduction**

- (a) The anti-social consumption of alcohol 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 alcohol-related crime, nuisance and disorder to the prejudice of the local community.
- (b) The Council is satisfied that the anti-social consumption of alcohol 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 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 and authorised officers of the local authority additional powers which they can use in order to prevent or reduce the risk of anti-social drinking and alcohol-related crime, nuisance and disorder.
- (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. This Order prohibits the consumption of alcohol on the land to which it applies.

## **Offences**

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 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 this Order if they can show that they had a reasonable excuse for failing to comply with the requirement.

## **Land Affected by this Order**

6. 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.

7. This Order does 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.

8. This order does 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.

9. For the purposes of this 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.

## **Interpretation**

10. 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 or authorised by virtue of section 69(1) of the 2014 Act.

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

“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**

11. A person who is guilty of an offence under this order shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.
12. A Fixed Penalty Notice may be issued to a person who breaches this Order, offering them the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

Dated the 28<sup>th</sup> day of September 2020

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

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Head of Administration & Law