

Carmarthenshire County Council
Anti-social Behaviour, Crime and Policing Act 2014
Carmarthenshire County Council (Llanelli Town Centre) Public Spaces Protection
Order 2027

Carmarthenshire County Council (“the Council”) makes this Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014.

This Order may be cited as the **Carmarthenshire County Council (Llanelli Town Centre) Public Spaces Protection Order 2027**.

This Order comes into force on 12 January 2027 and will remain in force for a period of three years unless extended, varied or discharged in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.

1. Purpose of the Order

1.1 The purpose of this Order is to help prevent and reduce alcohol and drug-related anti-social behaviour, nuisance, disorder and related harm within the area covered by this Order.

1.2 The Order is intended to support the safe use and enjoyment of public spaces in Llanelli Town Centre by residents, businesses, visitors and the wider community.

1.3 The Order is not intended to prevent responsible use of public spaces. In particular, it does **not** make it an offence simply to drink alcohol in the area covered by the Order.

1.4 The powers in this Order are intended to be used where a police constable, police community support officer where designated, or authorised person reasonably believes that alcohol consumption, possession of alcohol, substance misuse, possession of drug paraphernalia, loitering or related behaviour is causing, contributing to, or is likely to cause anti-social behaviour, nuisance, disorder, harassment, alarm or distress.

1.5 The Council is satisfied that the activities addressed by this Order have had, and are likely to continue to have, a detrimental effect on the quality of life of people in the locality, and that the effect is, or is likely to be, persistent or continuing, unreasonable, and justifies the restrictions and requirements imposed by this Order.

1.6 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.

2. Alcohol: request to stop drinking or surrender alcohol

2.1 A person does **not** commit an offence merely by drinking alcohol within the area covered by this Order.

2.2 However, where a police constable or authorised person reasonably believes that a person's consumption of alcohol, possession of alcohol, or intended consumption of alcohol is causing, contributing to, or is likely to cause anti-social behaviour, nuisance, disorder, harassment, alarm or distress, the police constable or authorised person may require that person:

- a. not to consume alcohol, or anything which the police constable or authorised person reasonably believes to be alcohol; and/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.

2.3 A person commits an offence if, without reasonable excuse, they fail to comply with a requirement imposed under paragraph 2.2.

2.4 A police constable or authorised person who imposes a requirement under paragraph 2.2 must tell the person that failing to comply with the requirement, without reasonable excuse, is an offence.

2.5 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.

2.6 This section is intended to deal with alcohol-related anti-social behaviour. It is not intended to interfere with responsible drinking where there is no reasonable basis to believe that the person's behaviour is causing, contributing to, or is likely to cause anti-social behaviour, nuisance, disorder, harassment, alarm or distress.

3. Drug paraphernalia and intoxicating substances

3.1 Where a police constable reasonably believes that a person has possession of an item which has been used, or is likely to be used, to assist in the consumption of an intoxicating substance, the police constable may require that person to surrender the item.

3.2 For the purposes of paragraph 3.1, "consumption" includes ingestion, injection, inhalation or smoking.

3.3 A person commits an offence if, without reasonable excuse, they fail to comply with a requirement imposed under paragraph 3.1.

3.4 A police constable who imposes a requirement under paragraph 3.1 must tell the person that failing to comply with the requirement, without reasonable excuse, is an offence.

3.5 This requirement does not apply to needles, syringes or other items which are in their original packaging, provided that the packaging is sealed and has not been opened.

3.6 This section is intended to reduce the risk of drug-related litter, including discarded needles and other items which may present a risk to the public. It must not be used to seize ordinary personal possessions unless the police constable reasonably believes that the item has been used, or is likely to be used, to assist in the consumption of an intoxicating substance.

4. Requirement to leave the area and not return

4.1 Where a police constable reasonably believes that a person within the area covered by this Order:

- a. is under the influence of alcohol or an intoxicating substance; and
- b. is causing, contributing to, or is likely to cause anti-social behaviour, nuisance, disorder, harassment, alarm or distress,

the police constable may require that person to leave the area covered by this Order, or a specified part of that area.

4.2 A requirement under paragraph 4.1 may also require the person not to return to the area, or the specified part of the area, for a period of up to 24 hours.

4.3 Before imposing a requirement under paragraph 4.1, the police constable must consider whether the requirement is necessary and proportionate in the circumstances.

4.4 Where practicable, the police constable should tell the person:

- a. the area they are required to leave;
- b. the period during which they must not return;
- c. the reason the requirement is being imposed; and
- d. that failing to comply with the requirement, without reasonable excuse, is an offence.

4.5 A person commits an offence if, without reasonable excuse, they fail to comply with a requirement imposed under paragraph 4.1 or 4.2.

4.6 A requirement under this section must not be used to prevent a person from:

- a. returning to their home;
- b. attending a place of work, education, medical treatment or other essential appointment;
- c. caring for a dependent person, where reasonably necessary;
- d. complying with a legal obligation; or
- e. exercising rights of peaceful protest, freedom of expression or freedom of assembly, unless the use of the power is lawful, necessary and proportionate in the circumstances.

4.7 This section does not prevent a police constable from using any other lawful power available to them, including statutory dispersal powers under the Anti-social Behaviour, Crime and Policing Act 2014 where the legal test for those powers is met.

5. Land affected by this Order

5.1 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.

5.2 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.

6. Exclusions relating to alcohol

6.1 Paragraphs 2.1 to 2.6 do not apply to:

- a. premises, other than Council-operated licensed premises, authorised by a premises licence 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 falling within paragraph 6.1(a) or 6.1(b);
- 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 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 under section 115E of the Highways Act 1980.

6.2 Paragraphs 2.1 to 2.6 do 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.

6.3 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.

7. Interpretation

For the purposes of this Order:

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

“anti-social behaviour” includes behaviour which causes, or is likely to cause, harassment, alarm, distress, nuisance or disorder to people in the locality.

“authorised person” means a person 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.

8. Penalties

8.1 A person who is guilty of an offence under paragraph 2.3 is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

8.2 A person who is guilty of an offence under paragraph 3.3 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8.3 A person who is guilty of an offence under paragraph 4.5 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.