

Milton Keynes Council

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Part 4, Section 59

Milton Keynes Public Space Protection Order 2017

PUBLIC SPACE PROTECTION ORDER (Alcohol)

**This Order may be cited as the Milton Keynes Public
Space Protection Order No.3.**

This Order is made by Milton Keynes Council (“the Council”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:

1. The Order is made on the 21 October 2021 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
2. The Order relates to the Parishes of Milton Keynes listed in Schedule 1 (“the Restricted Area”).
3. The effect of the Order is to give a constable or an Authorised Officer the power to.
 - require a person to not consume alcohol or anything which they reasonably believe to be alcohol
 - require a person surrender anything in their possession which is, or which they reasonably believe to be, alcohol or a container for alcohol
4. The Council is satisfied that the conditions set out in Section 59 of the Act namely that the Prohibited Activities carried on within the Restricted Area have had a detrimental effect on the quality of life of those in the locality or will have such an effect and that the effect or likely effect of the Prohibited Activities will be of a persistent or continuing nature such as to make the Activities unreasonable and justifies the restrictions imposed by this Order.
5. The Order is available for inspection on the Council’s website

Penalty

6. It is an offence for a person without reasonable excuse -
 - a) To do anything that the person is prohibited from doing by a public space protection order, or

SCHEDULE 1 – RESTRICTED AREAS

Restricted Areas

The areas are shown on the map and are listed below:

- Central Milton Keynes Parish
- Campbell Park Parish
- Kents Hill, Monkston Park and Brinklow Parish
- Newport Pagnell Parish
- Olney Parish
- Shenley Brook End & Tattenhoe Parish
- Stony Stratford Parish
- Bletchley & Fenny Stratford
- West Bletchley
- Wolverton and Greenleys Parish
- Bradwell Parish
- Stantonbury Parish
- Woughton Parish
- Old Woughton Parish

excluding:

- (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 within paragraph (a) or (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, 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 (highway-related uses). 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.

Fixed Penalty Notices

7. A constable or Authorised Officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence in relation to this public space protection order.

A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

Failure to pay a fixed penalty may lead to prosecution


Appeals

8. Any challenge to this order must be made to the High Court by an interested person within six weeks of it being made, extended, or varied. An interested person is someone who lives in, regularly works in, or visits the restricted area. Any such interested person may apply to the High Court within 6 weeks from the date on which this Order on the grounds that; Interested persons can challenge the validity of this order on two grounds:

- a) That Milton Keynes Local Authority did not have power to make the order, or to include particular prohibitions or requirements
- b) That Milton Keynes Local Authority did not meet one of the requirements of the legislation; for instance, consultation has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it or vary it.

The Common Seal of Milton Keynes Local Authority was affixed in the presence of


RAVINDER SINGH JOHAL

Head of Legal Services

22 OCTOBER 2021
Date





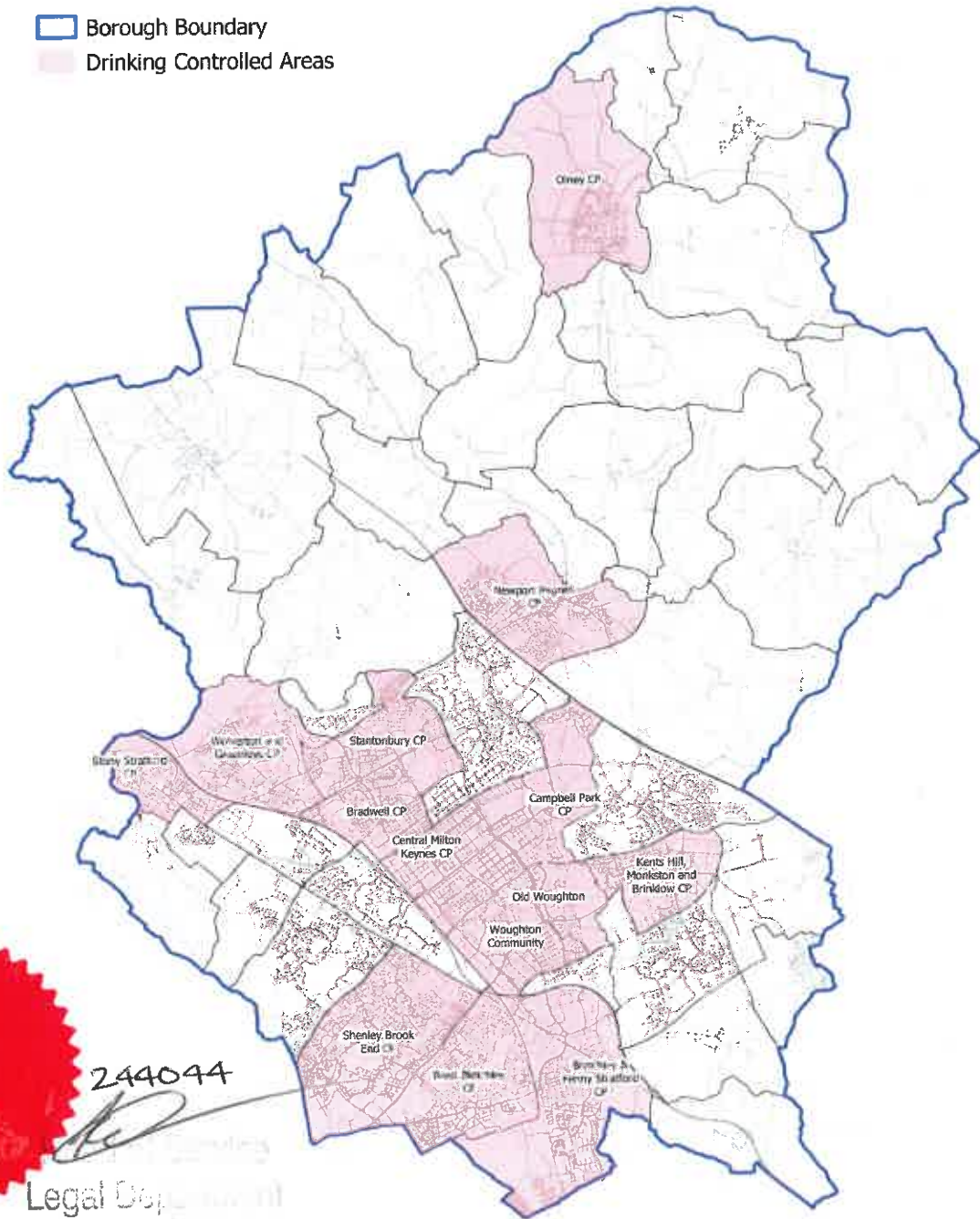
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Head of Service
Legal Department

MAP

Public Consultation on the Alcohol Public Space Protection Order (PSPO)

-  Borough Boundary
-  Drinking Controlled Areas



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[Signature]
Legal Department

SCHEDULE 2 – DEFINITIONS

In this Order, except where the context otherwise requires:

“the Council “means the Council of the Borough of Milton Keynes “

“public space” 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. This includes but is not limited to; car parks; sports fields; playing fields; parks; recreations grounds, public highways including verges and footways; public open space land and communal land whether council owned or owned by any landowner.

“Interested Person” means an individual who lives in the restricted area or who regularly works in or visits that area “

“Authorised officer” means an Authorised council or other delegated officer, for example, a Parks Trust officer or police community support officer (PCSO), as well as a police constable, can enforce the Order and issue fixed penalty notices.