

Explanatory Notes

Alcohol Control Public Space Protection Order (PSPO)

Flintshire County Council is launching a consultation on plans to extend a Public Space Protection Order (PSPO) relating to alcohol control measures on public land.

It is anticipated that from October 2023 a PSPO in relation to alcohol control will take effect across Flintshire and continue the existing order to help address anti-social behaviour due to drinking alcohol in public places in Flintshire

Why introduce a Public Space Protection Order (PSPO)?

The majority of people who consume alcohol outdoors in public places act in a responsible manner, but a small minority do not act responsibly and commit anti-social behaviour. By extending this PSPO it will give the police the means to intervene early if those drinking alcohol in a public space start becoming a nuisance.

What will the proposed order require?

The effect of the Order is to impose the following prohibitions and/or requirements in public spaces in Flintshire, at all times: -

- (a) any person who, without reasonable excuse, continues drinking intoxicating liquor in a public area within the Restricted Area when asked to stop by an authorised officer, commits an offence.
- (b) any person who whilst in a public area within the Restricted Area, without reasonable excuse, fails to surrender any intoxicating liquor in their possession when asked to do so by an authorised officer, commits an offence.
- (c) an authorised officer who imposes a requirement under Article 4(a) and/or 4(b) above must tell the person that failing, without reasonable excuse, to comply with the prohibition and/or requirement is an offence.

What land will this apply to?

The Restricted Area is any public space in Flintshire. A public space means any place open to the air 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.

Does this apply to land that is not owned by Flintshire County Council?

Enforcement will not take place on private land but may in the future if there are sufficient complaints and following consultation with the relevant landowner.

What steps can I take to make sure that I comply with the Order, can I still drink alcohol in a public space?

The order does not prevent you from drinking alcohol in a public space in Flintshire. To comply with the order you have to act in a responsible manner and not create a public nuisance if you are drinking alcohol in a public space.

Will there be any exemptions for persons with protected characteristics?

Flintshire County Council will ensure the Public Space Protection Order is compliant with the Equalities Act and will complete an Equalities Impact Assessment before any order is enforced. Any exemptions for persons with protected characteristics would be included within the final order.

Enforcement

What happens if I fail to comply with any part of the Order?

If a person drinking alcohol in a public space fails to comply with the requirements of the order, they would be committing a criminal offence unless they have a reasonable excuse for failing to comply or they fall within any exemptions within the order, such as any exemptions under the Equalities Act.

There must be sufficient evidence submitted to show that an offence occurred beyond a reasonable doubt before action can be taken.

Can I be issued with a Fixed Penalty Notice?

Yes, a fixed penalty notice may be issued to a person who breaches this order, offering them an opportunity to discharge their liability to prosecution by making a one-off payment of £75.

When does the fixed penalty have to be paid?

It must be paid within 14 days from the date of the issuing of the ticket.

What happens if I don't pay my fixed penalty?

If you fail to pay the fixed penalty notice within the permitted period, it is likely that you will be prosecuted in the magistrate's court.

What is the maximum penalty for breaching the order?

A person who is found guilty of an offence in the magistrate's court is liable on summary conviction to a fine not exceeding level 3 on the Court's standard scale of fines (currently £1000).

The circumstances must pass the full evidential code and be in the public interest before a Fixed Penalty Notice (FPN) is issued or a prosecution follows.

Who will enforce the PSPO?

The enforcement of the orders will be carried out by North Wales Police.

How will the public know that an order is in place in a specific location.

There will be sufficient, clearly marked signs positioned in locations where the order is in force.

How long will the order last for?

The order will last for a period of 3 years, but it may be extended by the Council if considered necessary. If the order is varied or extended in any way a period of consultation will be undertaken to seek the views of the public and any relevant stakeholders.

Why is the Order in Force?

It is believed that the proposed Public Protection Order is a fair response to deal in a measured way with the current problems that are experienced within the County. Such an order is necessary and proportionate in terms of the controls that it imposes and is not designed to be discriminatory against people who wish to be able to drink alcohol outside quietly and without causing a disturbance.