

Public Spaces Protection Order

Notice is hereby given that Mole Valley District Council ("the Council") has made the following Public Spaces Protection Order under section 59. By the operation of the transitional provisions of section 75(3) of the Act, this Order replaces the Mole Valley District Council (Alcohol Consumption in Designated Public Places) Order 2005 dated 5th April 2005 made pursuant to section 13 of the Criminal Justice and Police Act 2001.

1. All the land in and around Dorking town centre which is open to the air and to which the public are entitled or permitted to have access (with or without payment) edged blue on the plan annexed below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order (the Restricted Area).
2. The Order may be cited as the Dorking Town Centre Alcohol Restriction Public Spaces Protection Order and will come into force on **20th October 2017** for duration of 3 years, until the **19th October 2020**.
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that the activities set out below have been carried out within the Restricted Area and are having or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that these activities will be carried out with the Restricted Area and will have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order.

Prohibitions on alcohol

5. The effect of the Order is to impose the following conditions on the use of the Restricted Area:

- 5.1 In the Restricted Area a person commits an offence if without reasonable excuse he or she continues to carry out activities which are prohibited namely;
- 5.1.1 Continuing to drink, consume or otherwise ingest alcohol when asked to stop doing so by an authorised person
 - 5.1.2 Failing to surrender any alcohol in his or her possession when asked to do so by an authorised person.
6. Provisions 5.1.1 and 5.1.2 of this Order do not apply to premises within the Restricted Area which have a premises licence or club premises certificate to for the supply of alcohol. These provisions also do not apply to council-operated licensed premises.
7. An authorised person includes a Police Constable, Police Community Support Officer, a Council Officer or any other person authorised by the Council. A Council Officer or any other person authorised by the Council must be able to present their authority on request.

Fixed Penalty Notices and Offences

8. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming or by refusing to surrender alcohol is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
9. An authorised person may issue a Fixed Penalty Notice not exceeding £100 to anyone they have reason to believe has committed an offence under this Order.

Appeals

10. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that any requirement of the Act has not been complied with they may apply to the High Court within six weeks from the date on which this Order is made.

Appendix

A plan of the Restricted Area edged blue is annexed to this Order

Executed as a deed by affixing THE COMMON SEAL of MOLE VALLEY DISTRICT COUNCIL on the 20th day of October 2017 in the presence of:

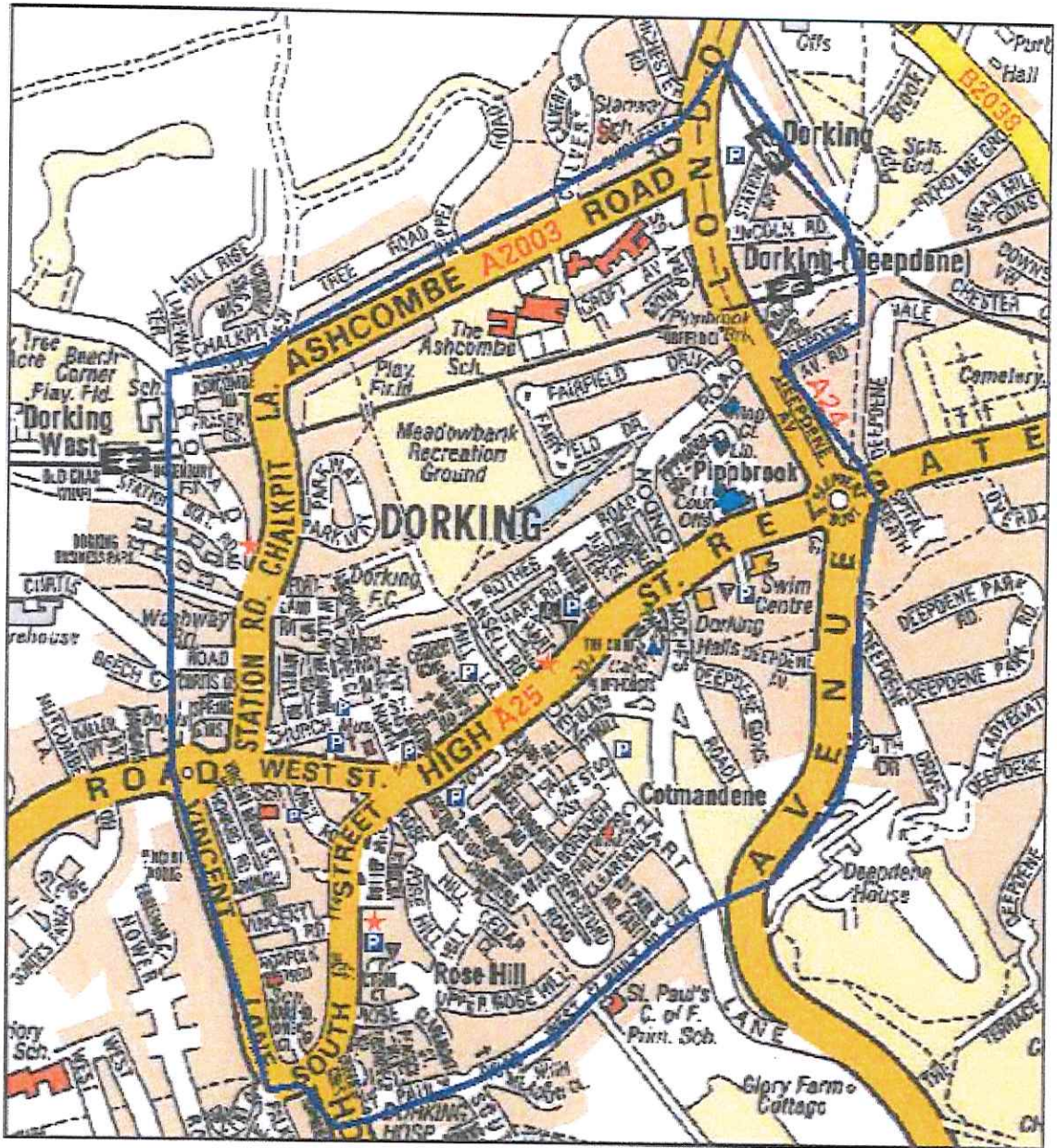


.....
Legal Services Manager

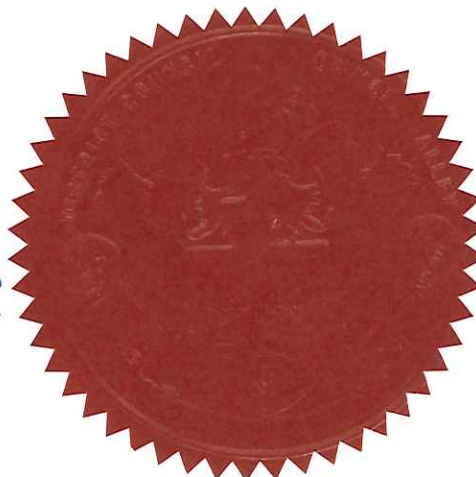


SW/7735

Annex – Plan



Crown Copyright. LA100021846/2005



SW/7735