

The Mid Devon (Crediton Alcohol Prohibition) Public Spaces Protection Order 2025

1. Mid Devon District Council (the “Council”) in exercise of its powers under section 59 and 72 of the Anti-Social Behaviour Crime and Policing Act 2014 (the “Act”) hereby makes this Order.
2. This order shall be cited as the “Mid Devon (Crediton Alcohol Prohibition) Public Spaces Protection Order 2025.
3. This Order comes into force on the day of for a period of three years.

Definitions and Interpretations

4. In the following provisions of this Order the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person authorised in writing by the Council to enforce this Order”

“Plan” means the plan attached to this order

“Crediton Town Centre Land” means all the land within the land shown edged red on the Plan which is open to the air (including covered land which is open on at least one side) and to which the public are entitled and permitted to have access, with or without payment.

“PCSO” means a Police community support officer

Prohibition in relation to alcohol consumption

5. The consumption of alcohol is prohibited within Crediton Town Centre Land.

Offences and Penalties

6. A Police Constable, PCSO or Authorised Person who reasonably believes that a person is consuming (or intends to consume) alcohol whilst present within the Crediton Town Centre Land has the power to require them:
 - a) not consume the alcohol or anything they believe to be alcohol in breach of this Order; and/or
 - b) to surrender anything in their possession which they reasonably believe to be alcohol or a container for alcohol. This can then be disposed of in whatever way is deemed appropriate.
7. For this power to be valid, the Police Constable PCSO or Authorised Person must:

- a) Inform the person that a failure to comply with a requirement (without reasonable excuse) will be an offence.
 - b) Show evidence of their authorisation if asked to do so.
8. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by Police Constable PCSO or Authorised Person given under article 6 of this Order is an offence, which on summary conviction attracts a fine not exceeding level 2 on the standard scale.
9. A Fixed Penalty Notice may be issued by an Authorised Officer PCSO or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

Exemptions

10. Nothing in this Order shall apply to —

- (a) 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 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 115 of the Highways Act 1980 (highway related issues);
- (f) Council-operated licensed premises or land when the premises or land are being used for the supply of alcohol, or within 30 minutes of the end of the period during which the premises have been used for the supply of alcohol.

Reasons for the Order

11. The Council is satisfied that the two conditions below have been met, in that:

- (1) Activities of consumption of alcohol carried on in the Crediton Town Centre Land have had a detrimental effect on the quality of life in that area, or it is likely that these activities will be carried on in the Crediton Town Centre Land and they will have such an effect;
- 2) The effect, or likely effect, of the said activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

Appeals

12. Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that 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 whole. The High Court can uphold, quash or vary the Order.