



London Borough of Newham

The Anti-Social Behaviour Crime and Policing Act 2014

THE LONDON BOROUGH OF NEWHAM (ALCOHOL CONTROL ZONE) PUBLIC SPACES PROTECTION ORDER (Proposed Order 1 of 2021/22)

WHEREAS the London Borough of Newham (“the Council”) is satisfied that the requirements of sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order.

WHEREAS the Council is satisfied that activities have been and will continue to be carried out in the Alcohol Control Zone referred to below which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the consumption of alcohol in public places other than licensed premises, leading to anti-social behaviour.

WHEREAS the Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed by this Order.

WHEREAS the Council is satisfied that the prohibitions imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

WHEREAS the Council has had particular 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.

THE COUNCIL MAKES the following Order in exercise of its powers under section 59 of the Act.

1. This Order may be cited as the London Borough of Newham (Alcohol Control Zone) Public Spaces Protection Order (Proposed No.1 of 2021/22) (“the Order”).

2. This Order takes effect on the [DATE TO BE CONFIRMED] and continues to have effect for a period of three years thereafter.

3. This Order applies to the land described in the Schedule below (“the Alcohol Control Zone”) and which is shown edged red on the attached plan (“the Order plan”).

4. This Order applies to all persons in public places within the Alcohol Control Zone at all times of the day and night, save on licensed premises.

5. This Order shall not apply where prior written notice that it does not apply is given by the Council or the Police to facilitate Temporary Event Notices or other public events.

6. The following activities are prohibited:

6.1. Any person who, without reasonable excuse, continues consuming alcohol in a public place when asked not to by a constable or an Authorised Officer commits an offence.

6.2 Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so by a constable or an authorised officer in a public place, commits an offence.

7. For the purposes of this Order:

7.1. ‘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;

7.2. ‘alcohol’ means any liquid intended for consumption by the person in possession of it, containing more than 0.05% alcohol by volume; and

7.3 ‘licensed premises’ means:

7.3.1 premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;

7.3.2 premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

7.3.3 a place within the curtilage of premises within paragraph 7.2.1. or 7.2.2;

7.3.4. 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;

7.3.5 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).

7.4 council-operated licensed premises:

7.4.1 when the premises are being used for the supply of alcohol, or

7.4.2 within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

7.5 This paragraph includes (but is not limited to) the following:

Stratford Park	West Ham Lane, Stratford, London, E15 4SF
Newham Dockside	1000 Dockside Road, London, E16 2QU
Central Park	Central Park Road, East Ham, London, E6 3DW
Newham Town Hall	Barking Road, East Ham, London, E6 3BA
Old Town Hall	29 Broadway, Stratford, London, E15 4BQ

8. Offences

8.1. Failure without reasonable excuse to comply with the prohibition on being in possession of an open container of alcohol within the Alcohol Control Zone is a summary offence under section 67 of the Act. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8.2. Where a Constable or a person duly authorised by the Council reasonably believes that a person is or has been consuming alcohol in breach of the prohibition on the consumption of alcohol within the Alcohol Control Zone, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the Constable or authorised person may require that person:

(a) not to consume, in breach of the prohibition, alcohol or anything which the Constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in that person's possession which is, or which the Constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

8.3. A constable or an authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

8.4. A person who fails without reasonable excuse to comply with such a requirement commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8.5. A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of his or her authorisation but fails to do so.

8.6. A Constable or authorised person may dispose of anything surrendered to him or her as a result of a requirement imposed by him or her in whatever way he or she thinks appropriate.

SCHEDULE

The Alcohol Control Zone to which this Order applies comprises the following:

- To all public spaces within the London Borough of Newham, as set out on the Order Plan
- This Order does not extend to:
 - (1) Licensed premises within the Alcohol Control Area

(2) London Underground (Tube) & Bus Stations (but not bus shelters) and other land owned by Transport for London:-

Abbey Road DLR	London City Airport DLR	Star Lane DLR
Beckton DLR	Manor Park Overground Station	Stratford International Station
Beckton Park DLR	Maryland Overground Station	Stratford Station
Canning Town Station	North Woolwich Pier DLR	Upton Park Station
Custom House DLR	Plaistow Station	Wanstead Park Overground Station
Cyprus DLR	Pontoon Dock DLR	West Ham Station
East Ham Station	Prince Regent DLR	West Silvertown DLR
Forest Gate Overground Station	Pudding Mill Lane DLR	Woodgrange Overground Station
Gallions Reach DLR	Royal Albert DLR	
King George V DLR	Royal Victoria DLR	

For the avoidance of doubt the Alcohol Control Zone is shown edged red on the Order plan



Map based on Ordnance Survey material with the permission of Ordnance Survey
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IN WITNESS WHEREOF THE COMMON SEAL OF

**THE MAYOR AND BURGESSES OF }
THE LONDON BOROUGH OF NEWHAM }
was hereunto affixed and this document }
thereby executed as a Deed }
in the presence of }**

Authorised Signatory

A draft of the proposed Order and annexed map is available for inspection on the Council's website.

Any representations regarding the proposed Public Spaces Protection Order must be made in writing to Lisa Hooper, Community Safety Manager, at London Borough of Newham, Newham Dockside, 1000 Dockside Road, London, E16 2QU, or by email to lisa.hooper@newham.gov.uk

The formal consultation will run from 28 October 2021 – 24 November 2021

