

# THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

## SECTION 59

### Mid Devon (Public Spaces Protection) (Crediton Alcohol and Anti-Social Behaviour Prohibition) Order 2026

#### Introduction

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"), and all other enabling powers, hereby makes this Order.

This Order shall be cited as the "Mid Devon (Public Spaces Protection) (Crediton Alcohol and Anti-Social Behaviour Prohibition) Order 2026".

This Order comes into force on the 19<sup>th</sup> day of June 2026 for a period of three (3) years.

#### 1. Definitions and Interpretations

1.1 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

"Police Constable" means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers of a Police Constable

"Crediton Town Centre Land" means all the land within the area 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

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

## **2. Prohibited Activities**

- 2.1 The consumption of alcohol or anything an Authorised Officer, Police Constable or PCSO reasonably believes to be alcohol in breach of any of the above person's request to cease its consumption.
- 2.2 Having an unsealed container of alcohol or anything an Authorised Officer, Police Constable or PCSO reasonably believes to be alcohol in breach of any of the above person's request to surrender it.
- 2.3 Consuming alcohol or anything an Authorised Officer, Police Constable or PCSO reasonably believes to be alcohol and behaving (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.
- 2.4 Having breached prohibitions 2.1, 2.2 or 2.3, remaining in Crediton Town Centre Land, when ordered to leave the area either immediately or by such time as may be specified and in such a manner as may be specified by an Authorised Officer, Police Constable or PCSO.

## **3. Offences and Penalties**

- 3.1 An Authorised Person, Police Constable or PCSO who reasonably believes that a person is consuming (or intends to consume) alcohol whilst present within the area designated as Crediton Town Centre Land has the power to require them: -
  - (a) To 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.
- 3.2 An Authorised Person, Police Constable or PCSO who reasonably believes that a person has acted, or is likely to act, in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour while present within the area designated as Crediton Town Centre Land has the power to require them:-
  - (a) To leave the area either immediately or by such time as may be specified and in such a manner as may be specified
- 3.3 For these powers to be valid, the Authorised Person, Police Constable or PCSO 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

- 3.4 A person who fails without reasonable excuse to comply with a requirement imposed on him or her by an Authorised Person, Police Constable or PCSO given under: -
- (a) Article 2.1 and article 2.2 of this Order commits an offence, which, on summary conviction, attracts a fine not exceeding level 2 on the standard scale (currently £500)
  - (b) Article 2.3 and article 2.4 of this Order commits an offence, which, on summary conviction, attracts a fine not exceeding level 3 on the standard scale (currently £1,000)
- 3.5 A Fixed Penalty Notice may be issued by an Authorised Officer, Police Constable or PCSO 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.

#### **4. Exemptions**

- 4.1 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

#### **5. Reasons for the Order**

- 5.1 The Council is satisfied that the two conditions below have been met, in that: -
- (a) Activities of consumption of alcohol and any resulting anti-social behaviour 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

- (b) The effect, or likely effect, of the said activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order

## 6. Appeals

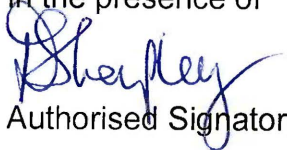
- 6.1 Any challenge to this Order must be made at the High Court by an interested person within six (6) weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.
- 6.2 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.
- 6.3 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.

Dated 19 June 2026

THE COMMON SEAL of MID DEVON  
DISTRICT COUNCIL

was hereunto affixed

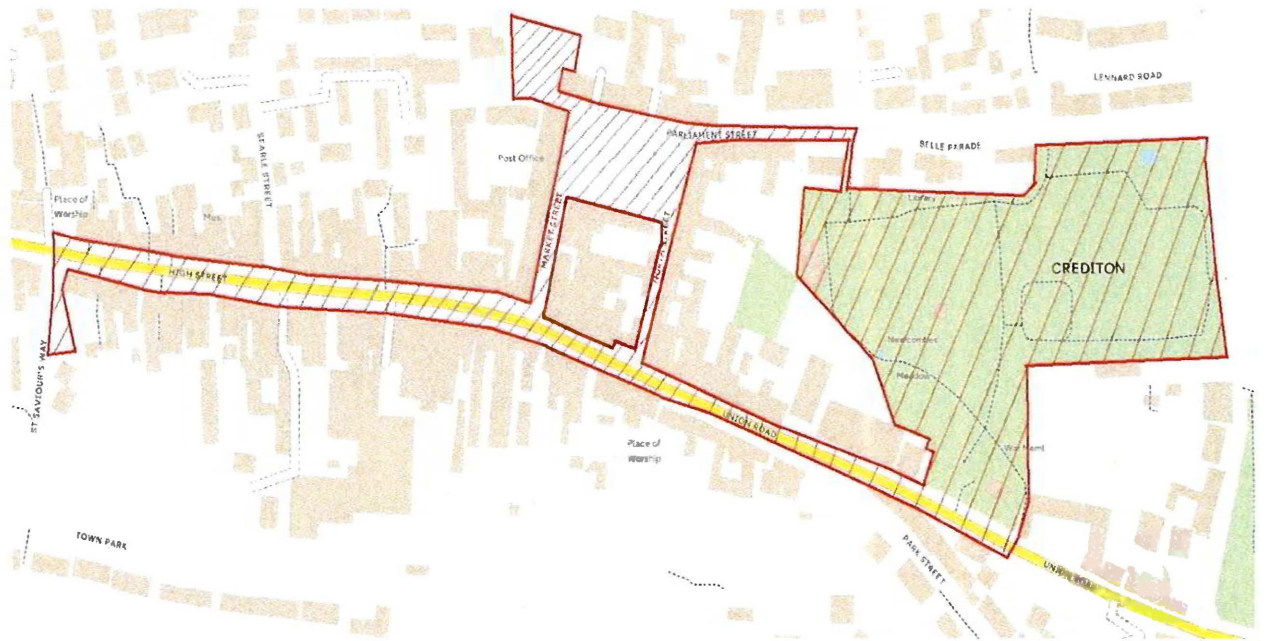
in the presence of



Authorised Signatory D SHARPLEY

Seal Number 11586





5024011662 – NPT ASB – STREET DRINKERS, CREDITON (HIGH STREET AND SURROUNDING LOCATIONS) – PSPO REVIEW Suggested area that PSPO would cover shown, based on previous reports of ASB.

