



**WIRRAL BOROUGH COUNCIL
PUBLIC SPACES PROTECTION ORDER (WEST KIRBY BEACH/CALDY BEACH AND
CUBBINS GREEN - 003) EXTENSION 2022**

1. This Order is made on 2 September 2022 by Wirral Borough Council under Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 and takes effect from 3 September 2022 for a period of 2 years expiring after 3 September 2024.
2. This Order extends the Order made by Wirral Council on 3 September 2020.
3. This Order applies to the areas known as West Kirby Beach/Caldy Beach and the grassed area Cubbins Green outlined below referred to as the Restricted Area.
4. The following conduct is prohibited within the Restricted Area being all land within the boundary of these areas which are outlined in red on the map below:

- **CONGREGATING**

Being part of a congregation consisting of 4 or more persons between the hours of 10:30pm and 04:00am within the Restricted Area without the written authorisation of Wirral Council.

Any person or group instructed by an authorised officer to leave the Restricted Area, must leave without delay, by the shortest route and not return to the restricted area for a period of 24 hours.

- **INTOXICATING & PSYCHOACTIVE SUBSTANCES.**

Drinking, inhaling, injecting, or otherwise using or being in possession of any intoxicating substances or “legal highs” or drug paraphernalia including nitrous oxide canisters within the Restricted Area. This includes substances with the capacity to stimulate or depress the central nervous system.

Where a Police Officer or a person duly authorised by the Council reasonably believes that a person has been consuming any intoxicating substances or nitrous oxide, or that a person intends to consume any intoxicating substances or nitrous oxide in circumstances in which doing so would be a breach of that prohibition, the Police Officer or authorised person may require that person:

- (a) Not to consume, in breach of the prohibition, any intoxicating substance or “legal high” including nitrous oxide or anything which the Police Officer or authorised person reasonably believes to be an intoxicating substance or “legal high” including nitrous oxide.
- (b) To surrender anything in that persons possession which is, or which the Police Officer or authorised person reasonably believes to be an intoxicating substance or “legal high” including nitrous oxide and their containers/cannisters.

- (c) A Police Officer 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.
- (d) A Police Officer 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.
- (e) 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.

- **LITTER AND WASTE DISPOSAL.**

Throwing down, dropping or otherwise depositing or disposing of any litter or waste in any part of the Restricted Area other than in a bin or other container provided for the storage of litter or waste.

- **ALCOHOL CONSUMPTION**

Refusing to stop drinking or refusing to surrender any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in the Restricted area.

Where a Police Officer or a person duly authorised by the Council reasonably believes that a person has been consuming alcohol, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the Police Officer or authorised person may, under section 63 (2) of the 2014 Act, require that person:

- (1) Not to consume, in breach of the prohibition, alcohol or anything which the Police Officer or authorised person reasonably believes to be alcohol.
- (2) To surrender anything in that persons possession which is, or which the Police Officer or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A Police Officer 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.
- (4) A Police Officer 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.
- (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.



Exclusion Zone
West Kirby Beach
Winal

Scale:
1:14000

Date:
14.07.2020



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APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who 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 this order on two grounds; 1) that the Council did not have the power to make the order or to include particular prohibitions or requirements or that 2) one of the requirements of the legislation 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 totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated: 2nd September 2022

**THE COMMON SEAL OF
WIRRAL BOROUGH COUNCIL
was hereunto affixed in the presence of**

atshaw

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HEAD OF LEGAL SERVICES



NUMBER IN SEAL BOOK: 656252