SEALING REQUEST FORM

Please complete in BLOCK CAPITALS

Parties...London Borough of Wandsworth

Sealing Register No. 112438 — 21.10.2020

WANDSWORTH COUNCIL

Brief Description

1. Lease and ... plan(s) relating to .................................................................
2. Transfer including ... plan(s) of .................................................................
3. Discharge of Mortgage relating to ..............................................................
   Advance no. .................................................................................................
   (must be given)
4. Deed of Covenant relating to .................................................................
5. Deed of Consent relating to .................................................................
6. Deed of Variation relating to .................................................................
7. Heating Agreement relating to .................................................................
8. Agreement for work at ..............................................................................
9. Other (please give details)..........................................................................

BOROUGH WIDE PUBLIC SPACES PROTECTION ORDER FOR ASB AND DOG CONTROL 2020

Authority for Sealing

An appropriate authority for sealing must be given

1. Council Meeting of 23rd May 1978 (Council House Sales)
2. Council Meeting of 17th March 1966 (Discharge of Mortgage)
3. Authority under Standing Order 83A ("Blue Form") no ... Dated ......................

Officer Handling This Matter

Name ... Robyn Thomas  Head of Community Safety  Ext. .................
LONDON BOROUGH OF WANDSWORTH
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
LONDON BOROUGH OF WANDSWORTH PUBLIC SPACES PROTECTION
ORDER 2020 (ANTI-SOCIAL BEHAVIOUR (ALCOHOL / PSYCHOACTIVE
SUBSTANCES), & DOG CONTROL)

RECITALS

A. The London Borough of Wandsworth Council ("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.

B. The Council is satisfied that the activities specified by this Order ("the prohibited
activities") have been and will continue to be carried on in a public space in the
Council's area which have had and will continue to have a detrimental effect on
the quality of life of those in the locality, such activities being persons causing
anti-social behavior with the public consumption of alcohol, the public
consumption of psychoactive substances, and the lack of dog control.

C. The Council, in making this Order, is satisfied on reasonable grounds that the
prohibited activities have been carried out in the restricted area, and have had a
detrimental effect on the quality of life of those in the locality and it is likely that
those activities will continue to be carried out in the restricted area and will have
that effect.

D. The Council is further satisfied that the effect, or likely effect, of the activities-

a. is, or is likely to be of a persistent or continuing nature;

b. is, or is likely to be such as to make the activities unreasonable; and

c. justifies the restrictions imposed by this Order.
E. The Council is satisfied that the prohibitions and requirements 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.

F. The Council has had regard to the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 ("the Convention") in so far as they may be affected by these Orders. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the Convention and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

Citation

This Order may be cited as the "London Borough of Wandsworth Public Spaces Protection Order 2020 (Anti-social Behaviour (Alcohol / Psychoactive Substances), & Dog Control)".

This Order comes into force on 15th October 2020 and expires on 14th October 2023 being the period of 3 years from the 15th October 2020, unless extended pursuant to section 60 of the Act.

The Council of the London Borough of Wandsworth (in this Order called "the Council") hereby makes the following Order pursuant to and in exercise of it powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"): Interpretation

1. In this Order –

   "the Act" means Anti-social Behaviour, Crime and Policing Act 2014;

   "alcohol" means spirits, wine, beer, cider or any other fermented, distilled or Spirituous liquor (in any state);

   "Authorised Person" means a Police Officer, Constable, Police Community Support Officer, Council Officer or other person authorised for the purposes of this Order by the Council;

   "he/she" also applies to any person;

   "the Council" means the London Borough of Wandsworth Council;
Article 1: Anti-social Behaviour Caused by Drinking Alcohol in a Public Space

Offence

No person shall drink alcohol in the restricted areas (other than on premises authorised under the Licensing Act 2003) after having been required to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a police officer or authorised officer, in order to prevent public nuisance or disorder, who reasonably believes that the person has consumed, is consuming or intends to consume alcohol unless he/she has a reasonable excuse for failing to do so.

Penalty

It is an offence under section 63 of the Act for a person without reasonable excuse –

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 63 is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Article 2: Use of Novel Psychoactive Substances in a Public Space

Offence

1. No person within the Land shall –
   - Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances;
   - Sell or supply intoxicating substances.

2. “Intoxicating Substances” shall include the following definition (which does not include alcohol) Substances with the capacity to stimulate or depress the central nervous system.

3. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

4. Persons within this area who breach this prohibition shall surrender intoxicating substances in his/her possession to an authorised person.
5. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

**Penalty**

It is an offence under section 67 of the Act for a person without reasonable excuse –

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Article 3: Dog Fouling (Footpaths, Highways, Cemeteries, Parks and Open Spaces)**

**Offence**

(1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so

(2) Nothing in this article applies to a person who—

(a) is a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his/her ability to comply with the article and where the dog is their guide dog or assistance dog; or

(b) has a disability which affects his/her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a trained guidance or assistance dog and upon which he/she relies for assistance; or

(c) a person who is training an assistance dog in an official capacity; or

(d) a dog used by the police or other agencies permitted by the Council for official purposes.

(3) For the purposes of this article—
Appendix C – DCO site schedules

(a) a person in charge of and in the company of or in the possession of a dog shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) placing the faeces in a receptacle on the land, which is provided for that purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse –

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Article 4: The Dogs on Leads (Footpaths, Highways, Cemeteries, Parks and Open Spaces)

This Article applies to the land specified in the Schedule.

Offence

(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not keep the dog on a lead, unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so

(2) For the purposes of this article, a person in charge of and in the company of or has a dog in his/her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty
Appendix C – DCO site schedules

It is an offence under section 67 of the Act for a person without reasonable excuse –

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE

All footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and all cemeteries and the following parks and open spaces in the London Borough of Wandsworth.

<table>
<thead>
<tr>
<th>Bramford Gardens, SW18</th>
<th>Petergate Green, SW11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carratt Lane Old Burial Ground, SW18</td>
<td>Putney Old Burial Ground, SW15</td>
</tr>
<tr>
<td>Huguenot Burial Ground, SW18</td>
<td>Wandsworth Town Hall, SW18</td>
</tr>
<tr>
<td>Lavender Gardens, SW11</td>
<td></td>
</tr>
</tbody>
</table>

The areas of the following parks and open spaces outlined in blue on the map(s) to this Order:

<table>
<thead>
<tr>
<th>Battersea Park, SW11</th>
<th>Tooting Commons, SW17</th>
</tr>
</thead>
<tbody>
<tr>
<td>King George’s Park, SW18</td>
<td>Wandsworth Common, SW18</td>
</tr>
<tr>
<td>Leader’s Garden’s, SW15</td>
<td>Wandsworth Common, SW11</td>
</tr>
<tr>
<td>The Pleasance &amp; Putney Park Lane, SW15</td>
<td>Wandsworth Park, SW15</td>
</tr>
</tbody>
</table>

Article 5: Dogs on Leads by Direction (Parks and Open Spaces)
This Article applies to the land specified in the Schedule.

In this Article "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead, unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article—

(a) a person in charge and/or in the company of or has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) an authorised officer of the Authority may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this Article applies] or the worrying or disturbance of any animal or bird.

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse—

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE
Appendix C – DCO site schedules

<table>
<thead>
<tr>
<th>Battersea Park, SW11</th>
<th>Latchmere Recreation Ground, SW11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christchurch Gardens, SW11</td>
<td>Leaders Gardens, SW15</td>
</tr>
<tr>
<td>Coronation Gardens, SW18</td>
<td>Putney Lower Common Cemetery, SW15</td>
</tr>
<tr>
<td>Falcon Park, SW11</td>
<td>Queenstown Green, SW8</td>
</tr>
<tr>
<td>Fountain Recreation Ground, SW17</td>
<td>Shillington Park, SW11</td>
</tr>
<tr>
<td>Fred Wells Gardens, SW11</td>
<td>The Pleasance &amp; Putney Park Lane, SW15</td>
</tr>
<tr>
<td>Garratt Green, SW17</td>
<td>Tooting Commons, SW17</td>
</tr>
<tr>
<td>Garratt Park, SW17</td>
<td>Tooting Gardens, SW17</td>
</tr>
<tr>
<td>Godley Green, SW18</td>
<td>Wandsworth Common, SW18</td>
</tr>
<tr>
<td>Harroway Gardens, SW11</td>
<td>Wandsworth Common, SW11</td>
</tr>
<tr>
<td>Heathbrook Park, SW8</td>
<td>Wandsworth Park, SW15</td>
</tr>
<tr>
<td>King George’s Park, SW18</td>
<td>York Gardens, SW11</td>
</tr>
</tbody>
</table>

Article 6: Dog Exclusion Areas (Parks and Open Spaces)

This Article applies to the land specified in the Schedule.

Offence

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or remain on, any land to which this Order applies unless—

   (a) he has a reasonable excuse for doing so; or

   (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so

(2) Nothing in this article applies to a person who—

   (a) is disabled person (within the meaning of the Equality Act 2010) whose disability restricts his/her ability to comply with the article and where the dog is their guide dog or assistance dog;

   (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a trained guidance or assistance dog and upon which he/she relies for assistance; or(c) a person who is training an assistance dog in an official capacity; or

   (d) a dog used by the police or other agencies permitted by the Council for official purposes.

(3) For the purposes of this article—
Appendix C – DCO site schedules

(a) a person in charge of and/or in the company of or has a dog in his
possession shall be taken to be in charge of the dog at any time unless at
that time some other person is in charge of the dog;

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse –

(a) to do anything that they are prohibited from doing by a Public Spaces Protection
Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public
Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary
conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE

The following parks, open spaces and facilities:

| Balham Leisure Centre, SW12       | Putney Leisure Centre, SW15               |
| Battersea Sports Centre, SW11     | Roehampton Sports & Fitness Centre, SW15  |
| Cunliffe Street Open Space, SW16  | Swaby Gardens, SW17                      |
| Dover House Road Playing Fields,  | The Spit, SW18                           |
| SW15                               |
| Fishponds Playing Fields, SW17    | Tooting Leisure Centre, SW17              |
| Furzedown Recreation Centre, SW17  | Upper Tooting Park Play Area, SW17       |
| Furzedown Recreation Ground, SW17  | Wandle Recreation Centre, SW18            |
| Latchmere Leisure Centre, SW11    | Waterman’s Green, SW15                   |
| Montefiore Gardens, SW8           |                                           |

The areas of the following parks and open spaces outlined in red on the map(s) to this Order:

| Battersea Park, SW11               | Latchmere Recreation Ground, SW11        |
| Bramford Gardens, SW18             | Lavender Gardens, SW11                   |
| Coronation Gardens, SW18           | Leaders Gardens, SW15                    |
| Falcon Park, SW11                  | Shillington Park, SW11                   |
| Fountain Recreation Ground, SW17   | Tooting Commons, SW17                    |
| Fred Wells Gardens, SW11           | Tooting Gardens, SW17                    |
| Garratt Green, SW17                | Wandsworth Common, SW18                  |
| Garratt Park, SW17                 | Wandsworth Common, SW11                  |
| Harroway Gardens, SW11             | Wandsworth Park, SW15                    |
| Heathbrooke Park, SW8              | York Gardens, SW11                       |
| King George’s Park, SW18           |                                           |
Article 7: Multiple Dog Walking (Footpaths, Highways, Parks and Open Spaces)

This Article applies to the land specified in the Schedule.

On land to which this Article applies, the maximum number of dogs which a person may take onto that land is four.

Offence

(1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Article applies more than the maximum number of dogs specified in article 3 of this Article, unless—

(a) he has a reasonable excuse for doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) For the purposes of this article, a person in charge of and/or in the company of or has a dog in his/her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse—

(a) to do anything that they are prohibited from doing by a Public Spaces Protection Order, or,

(b) to fail to comply with a requirement which they are subject to under a Public Spaces Protection Order.

A person guilty of an offence in this article under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE

All footpaths, the footways and carriageways of every highway (including gutters, tree bases, grass verges, grass amenity areas adjacent to highways and the Riverside Walk) and every cemetery, park, garden and open space which is managed by the Council in the London Borough of Wandsworth, other than land held by the Council by virtue of section 12 of the Housing Act 1985.

Fixed Penalty
A constable, police community support officer or council enforcement officer may issue a fixed penalty notice (FPN) to anyone he or she believes has committed an offence to any of the above Articles under section 63 or 67 of the Anti-Social Behaviour, Crime and Policing Act. A person issued with a FPN will have 14 days to pay the fixed penalty of £100 to discharge any liability to conviction for the offence and this is reduced to £75 if paid within 10 days. If a person issued with a FPN pays the fixed penalty, they will not be prosecuted.

THE COMMON SEAL OF THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WANDSWORTH was affixed this day of October 2020 in the presence of:

FOR CHIEF EXECUTIVE

Signature

Name

Authorised Signatory

Seal Register No. 112438
Notes for Information

Challenging the validity of the Order

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 lives in the restricted area, or who regularly works in or visits that area. This means that only those who are directly affected by the restrictions have the power to challenge it.

Interested persons can challenge the validity of this Order on two grounds:

(a) that the Council did not have power to make the order, or to include particular prohibitions or requirements; or

(b) that one of the requirements of the Act not been complied with.

Where such 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 totality pending the final determination of the proceedings. The High Court may uphold the order, quash it, or vary it and may award legal costs in an unsuccessful challenge.
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

Section 59 – Power to make orders

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that—
   (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or
   (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—
   (a) is, or is likely to be, of a persistent or continuing nature,
   (b) is, or is likely to be, such as to make the activities unreasonable, and
   (c) justifies the restrictions imposed by the notice.

(4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) (“the restricted area”) and—
   (a) prohibits specified things being done in the restricted area,
   (b) requires specified things to be done by persons carrying on specified activities in that area, or
   (c) does both of those things.

(5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
   (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
   (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

(6) A prohibition or requirement may be framed—
   (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
   (b) so as to apply at all times, or only at specified times, or at all times except those specified;
   (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
Appendix C – DCO site schedules

(7) A public spaces protection order must—
(a) identify the activities referred to in subsection (2);
(b) explain the effect of section 63 (where it applies) and section 67;
(c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

Section 66 - Challenging the validity of orders

(1) An interested person may apply to the High Court to question the validity of—
(a) a public spaces protection order, or
(b) a variation of a public spaces protection order.

"Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

(2) The grounds on which an application under this section may be made are—
(a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
(b) that a requirement under this Chapter was not complied with in relation to the order or variation.

(3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

(4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.

(5) If on an application under this section the High Court is satisfied that—
(a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
(b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,
the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

(6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
(a) generally, or
(b) so far as necessary for the protection of the interests of the applicant.

(7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
(a) under this section, or
Appendix C – DCO site schedules

(b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

Section 63 – Consumption of alcohol in breach of prohibition in order

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

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

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

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 67 – Offence of Failing Comply with order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).