

**Public Spaces Protection Order
Covering the Bridgend County Borough Council**

Bridgend County Borough 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 the following Order:-

1. This Order shall come into operation on **DATE** and shall have an effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. The land identified by the appendices map(s) being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Proposed Order (“the Restricted Area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Restricted Area through the use of intoxicating alcoholic substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.
5. The Proposed Order may be cited as the Bridgend County Borough Council Public Spaces Protection Order for the Borough.

By this Proposed Order

6. The effect of this Order is to impose the following conditions on the use of the land:
 - (a) Person(s) within the Restricted Area will not consume alcohol, or be in possession of an open container of alcohol, in a public space.
7. The conditions above shall not 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 s 115 of the Highways Act 1980 (highway-related uses)

- 8. A person guilty of an offence of failing to comply with the Proposed Order under Section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum £100.00.
 - i. No proceedings may be taken for the offence before the end of the 14 day period following the date of notice; and
 - ii. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

- 9. Any person who without reasonable excuse continues consuming alcohol in the Restricted Area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63, or fails to surrender any intoxicating substance in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

- 10. In consulting regarding this Proposed Order 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.

- 11. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Given under the Common Seal of
Bridgend County Borough Council

On the

.....day of.....2017

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:

.....Authorised Officer

.....Designation