



**PROPOSED DRAFT**  
**CAERPHILLY COUNTY BOROUGH COUNCIL**  
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**  
**Public Space Protection Order covering various**  
**Caerphilly County Borough Council Bus Shelters and Bus Stops**

Caerphilly County Borough Council ("the Council") in exercise of its powers under Section 59, 60, 63, 66, 67, 68, and 72 of the Anti Social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers hereby makes the following Order

1. The Order shall come into operation on XXX and shall have effect for a period of 3 years thereafter unless varied or discharged by further orders of the Council.
2. The Order relates to the bus shelters and bus stops defined edged red on the attached maps (referred to in this Order as the Restricted Areas) a list which is referred to in the Schedule to this Order.
3. The Order is made because the Council is satisfied on reasonable grounds that activities at the Restricted Areas are having a detrimental effect on the quality of life of those in the locality, or it is likely that activities will have such an effect, and that the effect is, or will be, of a persistent or continuing nature and is, or will be, unreasonable and justifies the restrictions imposed by the Order. The activities at the Restricted Areas having been or likely to be carried out and have or likely to have a detrimental effect include: damage to property, anti social behaviour and drinking alcohol in public.
4. In making this Order consultation has taken place with the Chief Constable, the Office of the Police and Crime Commissioner, relevant community representatives, the respective Town and Community Council's, and owner/occupiers of neighbouring properties.
5. **DEFINITIONS**  
  
"Authorised Person(s)" means a person authorised for the purposes of Section 63 and 68 of the Act by the Council.
6. The effect of the Order is to impose the following prohibitions and requirements within any part of the Restricted Areas.
  - 6.1 No person shall loiter unless they are waiting for public transport, or waiting to meet somebody using public transport.

### APPENDIX 3

- 6.2 No person shall remain if reasonably asked to leave by an authorised person or constable
  - 6.3 No person shall behave in a disorderly, indecent or offensive manner
  - 6.4 No person shall soil, damage, deface or detach any part of the Restricted Areas.
  - 6.5 No person shall be in possession of a potentially dangerous item. .A potentially dangerous item is any item, which in the opinion of an authorised person, or constable may be used to harass, alarm or distress any person or damage, deface or soil any property.
  - 6.6 No person shall wilfully obstruct or impede an authorised person or constable in the execution of their duty.
  - 6.7 No person shall be in possession of paraphernalia for the consumption of controlled drugs.
  - 6.8 Any person reasonably suspected, by an authorised person or constable, of breaching any of the prohibitions or requirements set out in this Order shall give his name and address when requested to do so by an authorised person or constable.
  - 6.9 No person shall consume alcohol when requested not to do so by an authorised person or constable.
  - 6.10 No person shall be in possession of an open container of alcohol.
7. Section 67 of the Act applies to the prohibitions and requirements set out in paragraphs 6.1 to 6.8 of this Order namely
- (1) It is an offence for a person without reasonable excuse-
    - (a) To do anything that the person is prohibited from doing by paragraphs 6.1 to 6.8 of this Order, or
    - (b) To fail to comply with a requirement to which a person is subject under paragraphs 6.1 to 6.8 of this 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 8 below)

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8 Section 63 of the Act applies to the prohibitions set out in paragraphs 6.9 and 6.10 of this Order namely that where a constable or authorised person reasonably believes that a person:

- (a) Is or has been consuming alcohol in breach of prohibitions 6.9 and/or 6.10 of this order; or intends to consume alcohol in breach prohibition 6.9 and/or 6.10 of this order

The constable or authorised person may require that person

- (b) Not to consume alcohol, or anything which the constable or authorised person reasonably believes to be alcohol;
- (c) 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

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or authorised person under section 63.

A person guilty of an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

## 9. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed any offence under this Order. A person will have 14 days to pay the fixed penalty of £100.00, or a discounted amount of £75 if paid within 7 days. Failure to pay the fixed penalty will result in prosecution.

## 10. 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 lives in, regularly works in, or visits and of the Restricted Areas. This means that only those who are directly affected by the restrictions have the power 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: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that a of the requirement of the legislation was not complied with in relation to the Order.

## SCHEDULE

