

**SUBJECT: Application for Public Spaces Protection Order (PSPO) to tackle Anti-Social Behaviour (ASB) in MCC Car Parks**  
**MEETING: Single Cabinet Member Decision**  
**DATE: 22<sup>nd</sup> Febraury 2019**  
**DIVISION/WARDS AFFECTED: (All Wards)**

**1. PURPOSE:**

- 1.1 To seek approval to make Public Spaces Protection Orders (PSPO) in respect of All MCC owned Car Parks in Monmouthshire. List attached in **Appendix 1**.

**2. RECOMMENDATIONS:**

- 2.1 To approve the making of a common Public Spaces Protection Order in respect of All MCC owned Car Parks in Monmouthshire.

**3. KEY ISSUES:**

- 3.1 Key Issues – Vehicle related Anti-social Behaviour in MCC Car Parks

- 3.1.1 For some years there have been complaints of Anti-Social Behaviour (ASB) linked to the use of motor vehicles and their occupants in a number of our MCC owned car parks. The source of these complaints has moved around as attention and action is focused in one area, then the process starts again for new complainants.
- 3.1.2 New legislation provides us with the opportunity to put an order in place where we can anticipate issues are likely to occur, as well as dealing with current problem locations.
- 3.1.3 In 2017 we tackled a similar issue in Fairfield Car Park, Abergavenny with a PSPO, in conjunction with other measures including the use of barriers.
- 3.1.4 In the last year there has been a rise in this type of Vehicle related ASB in the Byfield Lane Car Park in Abergavenny and Welsh Street Car Park in Chepstow. Disruptive activity in Chepstow resulted in a shift to the Leisure Centre.
- 3.1.5 In light of 3.1.4 this recommendation is an order to place the same restrictions in all our MCC car parks. See point 4.5 below.
- 3.1.6 Vehicle related disorder in and around the car park tends to occur during the evenings from 6pm, and at weekends this can continue until 4am. These times will vary with the change of seasons and prevailing weather conditions.

- 3.1.7 Some adverse activity has been reported during the day especially around Bank Holidays, however, the detrimental impact to the locality is naturally lower when combined with other daytime noise.
- 3.1.8 This order is not looking to criminalise people who use the car parks legitimately or those that congregate in an orderly manner that does not adversely affect others in or within earshot of the car park.
- 3.1.9 Examples of ASB activity reported includes:
- Driving erratically, racing around and doing doughnuts
  - Excessive noise from car music systems and amplified devices
  - Loud exhaust systems whether modified or illegal
  - Unnecessary sounding of horns
  - Speeding vehicles with increased engine revs
  - Concerns with substance misuse, drug exchanges and use
  - Gathering in groups in the car park with associated anti-social behaviour and noise
  - Litter being left in the area
  - Some associated threatening and intimidating behaviour.
- 3.1.10 There have been a numerous calls to Gwent Police complaining about vehicle related ASB. An example of Gwent Police complaints log are attached at **Appendix 2**. It is possible the record minimises the extent of the ASB as residents have raised issues when using 101 due to delays in answering, which may have prevented more complaints being logged and a reduced the number of recorded complaints.
- 3.1.11 We also have a detailed diary maintained by a victim who has witnessed first hand the behaviour in Byefield Lane car park. **Appendix 3**.
- 3.1.12 Gwent Police have taken a number of steps to reduce ASB in these areas, including the issue of 35 individual Section 35 - Direction to Leave 'Dispersal Notices' over a period of one weekend. Individual notices only last 24 hours whereas a PSPO would last up to 3 years.
- 3.1.13 Other actions utilised to try and reduce ASB in these areas have included:
- Installation of a barrier gate to the Fairfield car park reducing the available space during certain hours.
  - Flow plates fitted to the exit of the car park to prevent re-entering.
  - Police issuing Sec 59 Warnings to drivers seen committing ASB or driving without due care and attention. This gives police the power to seize an offending vehicle if behaviour is repeated within twelve months.

#### **4. REASONS:**

- 4.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 states Local Authorities have the responsibility to make a Public Spaces Protection Order providing two conditions are met:
- 4.2 The first condition is that –

- (a) Activity carried out in a public space 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 activity will be carried on in a public place within that area and it will have such an effect.
- 4.3 The second condition is that the effect, or likely effect, of the activity –
- (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.
- 4.4 A Public Spaces Protection Order is an Order that prohibits specified activities taking place in a restricted area.
- 4.5 The proposal would be to apply for the conditions to be approved for all MCC car parks because this issue tends to be of a transient nature and will move from one area to another. So rather than submit a Report each time a new car park is affected, this report will lay out the standard restrictions applicable to all car parks with a proviso that they will be implemented as and when a situation arises.
- 4.6 In effect, the PSPO will be in force from the date of the signing of this report, but will remain dormant, until such time as it is activated by the displaying of the required signage in the specified 'Restricted Area'.

## **5. RESOURCE IMPLICATIONS:**

- 5.1 The Community Safety Officer will work with Gwent Police and community partners as part of the substantive role to issue the Public Spaces Protection Order. Gwent Police and MCC will enforce the Order using policing practices and MCC Fixed Penalty Notices, on behalf of MCC.
- 5.2 The imminent creation of an Enforcement Team within MCC for Parking Offences will additionally be given the powers to issue FPN for Breach of PSPO.
- 5.3 Should the Order be granted, there is a requirement for signage to be erected outlining the conditions of the Order in the restricted areas. The cost of the signs will be sought by the Community Safety team.

## **6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)**

- 6.1 This PSPO will have a significant positive impact on the local community as it will prevent any further exposure to ASB and its detrimental impact on the quality of life to residents, local businesses and the community, thus contributing positively to a more Prosperous Wales, Healthier Wales and a Wales of Cohesive Communities. There are no negative impacts on the wellbeing goals.
- 6.2 The whole community will benefit, including those from all protected characteristics. A small minority of young people may perceive there to be a negative impact on age, but the aim is to prevent unsocial gatherings of 'car enthusiast's' who play loud music through car stereos or amplified means, who drive dangerously and make excessive noise by loud engine revs or exhaust

systems designed to amplify noise. Furthermore the amount of litter left behind and the intimidating nature of the group.

## 7. CONSULTEES

- 7.1 Consultation must be undertaken when making, extending, varying or discharging a Public Spaces Protection Order.
- 7.2 The necessary consultees prescribed in the Anti-social Behaviour, Crime and Policing Act 2014 are;
- (a) The Chief Officer of Gwent Police, the local policing body and Police Crime Commissioner (PCC) for the Gwent Police area that includes the restricted area;
  - (b) Whatever community representatives the local authority thinks it appropriate;
  - (c) The owner or occupier of land within the restricted area.
- 7.3 All necessary consultees have been contacted in respect of the public consultation to comply with the legislation.
- 7.4 An initial consultation meeting was held with key stakeholders at Safer Monmouthshire Group on 20<sup>th</sup> December 2018 which confirmed support for the Order.
- 7.5 A formal consultation period of 21 days was held, ending on 21<sup>st</sup> February 2019.
- 7.6 All statutory partners and other identified stakeholders were emailed a copy of the consultation letter to advise of the proposal and invited to provide feedback as part of the consultation. These include:
- Chief Constable, Gwent Police
  - Police & Crime Commissioner (OPCC)
  - MP – Monmouthshire
  - Assembly Member, Monmouthshire
  - County Councillors,
  - Gwent Police, Geographic Inspector for Monmouthshire
  - MCC – Chief Executive
  - MCC Youth Service Manager
  - MCC Car Park Manager
  - MCC Head of Operations
  - MCC Head of Public Protection
  - MCC Head of Social Care
  - Members of Safer Monmouthshire Group
  - Members of PSB Programme Board
  - Town Council Clerks.
- 7.7 The Consultation has also been placed on the MCC and Gwent Police website, Facebook & Twitter feeds, inviting members of the public to have their say. Copy of Consultation letter in **Appendix 4**.
- 7.8 There have been 54 responses to the external online consultation with 48 people supporting the proposal and 6 objections. There have been no objections to the

proposal to make the Order from the Statutory partners listed in 7.6 above. Some examples of the feedback can be viewed as **Appendix 5**.

7.9 A draft PSPO is attached as **Appendix 6**.

## **7 BACKGROUND PAPERS:**

Anti-Social Behaviour, Crime and Policing Act (2014)

## **8 AUTHOR:**

Andrew Mason, Community Safety Officer, Community & Partnership Development Team

## **9 CONTACT DETAILS:**

Email - [andrewmason@monmouthshire.gov.uk](mailto:andrewmason@monmouthshire.gov.uk)

## **10 APPENDICES**

Appendix 1 – List of MCC Car Parks

Appendix 2 – Police Logs (examples)

Appendix 3 – ASB Diary by victim

Appendix 4 – Proposal letter (General)

Appendix 5 – Feedback on Consultation comments

Appendix 6 – Draft PSPO

Appendix 7 - Future Generations Evaluation

## Appendix 1 – List of MCC Car Parks

### MONMOUTHSHIRE COUNTY COUNCIL CAR PARKS

TOWN	LOCATION
Abergavenny	Brewery Yard
Abergavenny	Bus Station
Abergavenny	Byefield Lane
Abergavenny	Castle Street
Abergavenny	Fairfield
Abergavenny	Tiverton Place
Abergavenny	Trinity Terrace
Abergavenny	Tudor Street
Abergavenny	St Mary's Priory
Abergavenny	Leisure Centre
Caldicot	Jubilee Way
Caldicot	Woodstock Way
Caldicot	Leisure Centre
Rogiet	Rogiet Playing Fields
Chepstow	Castle Dell
Chepstow	Drill Hall
Chepstow	Nelson Street
Chepstow	Station Road
Chepstow	Welsh Street
Chepstow	The Station
Chepstow	Leisure Centre
Gilwern	Main road
Goytre	Goytre
Magor	Sycamore Terrace
Magor	Magor Square
Magor	Withy Close
Monmouth	Cattle Market
Monmouth	Chippenham
Monmouth	Cinderhill Street
Monmouth	Cornwall House
Monmouth	Glendower Street
Monmouth	Monnow Street
Monmouth	Rowing Club
Monmouth	Old Dixton Road
Monmouth	Rockfield Road
Monmouth	Sports Ground
Monmouth	Leisure Centre
Usk	Maryport St (N)
Usk	Maryport St (S)
Usk	Twyn Square
Usk	County Hall

## **Appendix 2 – Police Report and some examples of Incident Logs**

For a sustained period of time (although reported incidents and persons involved have been changeable) there has been reports made by several members of the public complaining of anti-social behaviour in WELSH STREET CAR PARK, CHEPSTOW. The reports involve persons congregating in vehicles, driving in an anti-social manner, playing loud music and being a general nuisance during the evenings and into the night.

Efforts have been made by Police to deal with the ongoing problem and methods have included: education-speaking with the persons involved and advise them reference their behaviour; prevention- patrolling the car park when able to provide a visible deterrent to the anti-social behaviour; enforcement- the issuing of Section 59 warnings for anti-social use of the vehicles. CCTV have also been provided with information to help assist in identifying and capturing evidence of offending persons and vehicles. The issues still exist and at present there appears to be a growing amount of vehicles and persons attending the car park each evening.

### **INC 586 16/06/18- Report from a resident of Chepstow**

Report of around 15 cars being noisy in the car park near to midnight. Earlier the same evening Police had attended and advised the driver's reference noise. An amount of nitrous oxide canisters were also seized from one driver who had travelled from the Coleford area.

### **INC 607 15/06/18- Report from resident of Dell View, Chepstow**

Report of a group of 20 youths in 6 vehicles congregating at the car park, playing loud music and racing their cars. It is becoming a nightly occurrence and affecting a number of residents.

### **INC 593 12/06/18- Report from resident of Chepstow**

Report from a member of the public who stated that they had to jump out of the way of a speeding vehicle in the car park where a number of vehicles tend to congregate.

### **INC 546 07/06/18- Report from [REDACTED], Chepstow**

Report of numerous vehicles wheel spinning and making noise in the car park. The caller stating that [REDACTED] were making complaints of the noise to her and that it is an ongoing issue.

### **INC 596 06/06/18- Report from resident of Bank Street, Chepstow**

Report of a large groups of youths playing football near to vehicles and the football hitting parked and unattended vehicles.

### **INC 9 03/06/18- Report from owner [REDACTED], Chepstow**

Report of group of males playing football in the car park and doing doughnuts in vehicles. This was reported as happening after midnight.

### **INC 549 25/05/18- Report from resident [REDACTED], Chepstow**

Report of a group of youths playing football, shouting, swearing and speeding around the car park. [REDACTED] residents have been complaining of the noise [REDACTED].

### **INC 507 24/05/18- Report from resident of Beaufort Square, Chepstow**

Report of cars revving and driving in and out of the car park with their music blaring. They are also playing football, which is hitting resident's cars.

**INC 459 224/03/18- Report from resident [REDACTED], Chepstow**

Report of cars engines revving, beeping horns and loud music. Affecting the callers business as he runs a [REDACTED].

**INC 233 05/0318- Report from resident of Chepstow**

Report of persons parked in vehicles in the car park that are smoking cannabis.

**INC 5 28/01/18- Report from a resident of Chepstow**

Report of nearly being run over in the car park as a number of vehicles were being driven around dangerously. This was reported just after midnight.

**INC 168 08/01/18- Police generated activity**

Driver of vehicle parked in the car park found by Police to be smoking cannabis.



### **Appendix 3 – ASB Diary by victim**

Victim was asked to keep an Environmental Health – Noise Disturbance Log Sheets

This document is quite lengthy and was commenced on 20<sup>th</sup> May 2018.

The document runs from 20<sup>th</sup> May to 30<sup>th</sup> June 2018; and 17<sup>th</sup> September 2018 to 6<sup>th</sup> January 2019.

The diary is attached as a separate file.

## **Appendix 4 – Proposal letter (General)**

*Dear To it May Concern*

### **Public Spaces Protection Order Consultation**

*The Safer Monmouthshire Group has received reports of anti-social behaviour caused by groups of people congregating in vehicles and around vehicles in several of MCC car parks in particular; Fairfield and Byefield Car Parks, in Abergavenny and Welsh Street and Leisure Centre car parks in Chepstow. The complaints have been quite specific in nature and focused around the activities of these individuals causing anti-social behaviour through noise from loud amplified music, loud exhausts, unnecessary sounding of the horn, screeching tyres and associated issues. These activities have given rise to concerns for those who use these areas on a daily basis and live in properties nearby. Despite continued efforts by partner agencies, the nuisance continues and shows no signs of stopping without legal intervention.*

*It is in this respect that I am writing to you today under the Anti-social Behaviour, Crime and Policing Act 2014 which allows for the making of a Public Spaces Protection Order in cases where the Local Authority feels that such action is justified to stop anti-social behaviour.*

*A Public Spaces Protection Order will not stop the lawful use of a car park. People who wish to use the restricted area will be able to continue to do so under the current terms of use. The Order will allow us to consider prosecution for anyone who is in breach of the prohibitions contained within the Order.*

*The prohibitions are listed below for your consideration;*

- ***Prohibition of the playing of music emitting from any vehicle or by means of portable amplified device between the hours of 1800 and 0800 Monday to Sunday, inclusive, except with the express permission of the Council***
- ***Prohibition of congregating and loitering in groups around (or in) one or more vehicles and engaging in behaviour which is likely to cause noise, harassment, alarm and distress between the hours of 1800 and 0800 Monday to Sunday, inclusive.***
- ***No ‘doughnutting’, racing or other vehicle nuisance***
- ***Mechanically propelled vehicles are not to be driven in an anti-social manner which may cause harassment, alarm or distress to other persons***
- ***No person will engage in any activity which is offensive, anti-social, indecent or causes distress to any member of the public***
- ***No person using the car park shall be in unlawful possession of controlled drugs or drugs paraphernalia, with the intent to supply or share.***

*In proposing to make a Public Spaces Protection Order, Monmouthshire County Council and Gwent Police are satisfied that the behaviours exhibited by some individuals in the car parks are having, have had or are likely to have a detrimental effect to the quality of life of those in the locality, is persistent in nature and the behaviours reported by members of the public justifies the restrictions imposed.*

*A consultation period will be open for twenty one days from the date of this letter during which time I would ask you to contact me should you have any queries or concerns about the restrictions of the Order or if you wish to confirm your support or object to the Order being made.*

*At the end of the consultation period a decision will be taken as to whether the making of the Order is in the public interest. Your views will be considered prior to a decision being made and will be*

*balanced against the need to stop any unacceptable behaviour for the safety and security of those who use the named carpark and surrounding area.*

*Yours sincerely*

*Andrew Mason  
Community Safety Officer  
Monmouthshire County Council  
[andrewmason@monmouthshire.gov.uk](mailto:andrewmason@monmouthshire.gov.uk)  
Tel: 01633 644210*

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## Appendix 5 – Feedback on Consultation comments

1. Dear Mr Mason  
Many thanks for copying me in. I would strongly support these measures.

Regards



**David T C Davies MP**  
**Member for Monmouth**  
16 Maryport Street  
Usk  
Monmouthshire  
NP15 1AB

Constituency telephone: 01291 672817  
Email: [david.davies.mp@parliament.uk](mailto:david.davies.mp@parliament.uk)  
Website: [www.david-davies.org.uk](http://www.david-davies.org.uk)

2. Happy with the attached.

Rich.

Richard Blakemore

Prif Arolygydd / Chief Inspector

Ardal Plismona Lleol Dwyrain / East Local Policing Area

Heddlu Gwent / Gwent Police

3. I have read through the documents this evening, and I think they represent a reasonable and proportionate approach to dealing with this issue.

You have my full support in this matter – please advise if you need me to do anything to help to get this through.

Kind regards,

Damian Sowrey

Inspector – Monmouthshire

4. My only suggestion would be to remove the “with the intent to share” part from the possession of drugs paraphernalia if you feel you can justify it.

That way if we are searching under S23 for drugs then we can still seize and prosecute for possession of paraphernalia as a breach of PSPO but I think we would find it near impossible to

prove intent to share without one of their mates grassing them up or an officer witnessing them sharing.

PC Adam Hollings

Neighbourhood Manager Gwent Police – Abergavenny

5. Good morning Andrew, we have read through the consultation letter and the PSPO thoroughly now and have a few comments / questions: **My answers in red.**

1. Its application to 18.00 to 08.00 Monday to Sunday would not include the activity during the afternoons that may occur on Sat / Sun and public holidays. Is it possible for any modification to the time window?

Although there is the occasional reference to daytime activity the over-whelming period of complaints are during the evening and early hours of the night. Also it could be argued that during the day time the adverse nature of the noise would have less of an overall impact. Items 5.3 to 5.6 are not time restrained. However, there will be room for manoeuvre before the final submission based on the feedback.

2. We all understand I think what 'doughnutting' means but would it be enforceable as an identified activity- perhaps this doesn't matter as the phrase after this does also include 'racing or other vehicle nuisance'.

As you say I believe we have most, if not all, acts of bad driving covered that could be construed in one category or the other.

3. I guess the fixed penalty of £100 cannot be increased a bit? I presume the level 3 ceiling is £1000 which is appropriate.

The maximum fixed penalty amount is set in the Act and this is the maximum. The alternative way of dealing with an offender is to report for process whereby a summons is issued to go straight to court. This can be used where a FPN has already been issued or in other circumstances where a FPN is deemed not appropriate.

4. I guess section 6.3 has to be there as it's probably standard jargon all these orders have to contain?

Yes just the small print. If we were making a condition that was unreasonable or was outside our legal power to impose, then a person would not commit an offence of failing to comply.

5. In 7.1, I don't know what the 'Restricted Area' is? It's saying you have to be 'in' the restricted area to appeal; if the restricted area is only the car park itself then people living around the car park are not in the area but that's fine as far as we are concerned as we don't want anyone to appeal against the order....!

The 'Restricted Area' is defined as the area to which these conditions apply and a map will be produced outlining the perimeter of the car park. The area inside the perimeter will be the 'Restricted Area'. This provides a person who lives in the area; or who regularly works in or visits the area to challenge the order once it has been made within the first six weeks. (The wording could have been a little clearer). I guess this is in case someone misses the consultation process and has something to say about the order. They can only challenge on the two grounds stated in 7.2. The challenge is made in the High Court.

Thanks again for giving us the opportunity to comment, my comments above are all. I or except number 1.

Best wishes

[REDACTED]

- 6. Thank you for contacting the Office of the Police and Crime Commissioner for Gwent. We will deal with your correspondence as promptly as we can.
  
- 7. Full results of Online Consultation are submitted in separate file.
  
- 8. **ABERGAVENNY TOWN COUNCIL**

**TOWN MAYOR**

**TOWN CLERK**

CLLR TESLIN DAVIES

JANE LEE



TOWN HALL

CROSS STREET

ABERGAVENNY

NP7 5HD

Telephone: (01873) 735820

15<sup>th</sup> February 2019

Dear Andrew

**RE: PUBLIC SPACES PROTECTION ORDER CONSULTATION**

Abergaenny Town Council, at their meeting on Wednesday 13<sup>th</sup> February, discussed the proposal to make a Public Spaces Protection Order (PSPO) covering all car parks in Monmouthshire.

The Town Council is concerned about the levels of anti-social behaviour in car parks in Abergaenny and welcomes the measures being taken to address these issues. However, councillors are concerned that tackling anti-social behaviour in one car park will result in the behaviour being transferred to another car park. Having a PSPO for all car parks will provide agencies with the necessary powers to take action.

For this reason, the Town Council fully supports the proposal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Lee'.

Jane Lee  
Town Clerk

## Appendix 6 – Draft PSPO

### MONMOUTHSHIRE COUNTY COUNCIL

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

#### Public Spaces Protection Order (PSPO) covering \*\*\*\*\* Car Park

#### DRAFT

Monmouthshire County Council (“the Council”) in exercise of its powers under Sections 59, 60, 62, 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 **XX XXXXXX 2019** 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 geographical areas as defined edged red on the attached map, known as \*\*\*\*\* Car Park (referred to in this Order as “the Restricted Area”).
3. The Order is made because the Council is satisfied on reasonable grounds that activities at the Restricted Area 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.
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 Town and Community Councils, and owners/occupiers of the Restricted Area (where relevant) and of neighbouring properties.
5. The effect of the Order is to impose the following prohibitions and requirements within any part of the ‘Restricted Area’.
  - 5.1. **Prohibition of the playing of music emitting from any vehicle or by means of portable amplified device between the hours of 1800 and 0800 Monday to Sunday, inclusive, except with the express permission of the Council**
  - 5.2. **Prohibition of congregating and loitering in groups around (or in) one or more vehicles and engaging in behaviour which is likely to cause noise, harassment, alarm and distress between the hours of 1800 and 0800 Monday to Sunday, inclusive.**

**5.3. No 'doughnutting', racing or other vehicle nuisance**

**5.4. Mechanically propelled vehicles are not to be driven in an anti-social manner which may cause harassment, alarm or distress to other persons**

**5.5. No person will engage in any activity which is offensive, anti-social, indecent or causes distress to any member of the public**

**5.6. No person using the car park shall be in unlawful possession of controlled drugs or drugs paraphernalia.**

6. Section 67 of the Act applies to the prohibitions and requirements set out in paragraphs 5.1 to 5.6 of this Order, namely

6.1. It is an offence for a person without reasonable excuse

- a) To do anything that the person is prohibited from doing by paragraphs 5.1 to 5.6 of this Order
- b) To fail to comply with a requirement to which a person is subject under paragraph 5.1 to 5.6 of this Order

6.2. A person guilty of an offence under this section is liable under summary conviction to a fine not exceeding level 3 on the standard scale or by Fixed Penalty Notice of £100.

6.3. A person does not commit an offence under this section by failure to comply with a prohibition or requirement that the Council does not have power to include in the Public Spaces Protection Order

6.4. This Order does not prevent the taking place of community events organised by the Council

7. Appeals

7.1. 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 area; or who regularly works in, or visits any of the area. This means that only those who are directly affected by the restrictions have the power to challenge.

7.2. 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 power to make the Order, or to include particular prohibitions or requirements; or 2. that a requirement of the legislation was not complied with in relation to the Order.

Dated this            day of            2019

Monmouthshire County Council

Signed: \_\_\_\_\_

Authorised Officer