

SUBJECT: Making of Public Spaces Protection Orders (PSPO) to tackle Anti-Social Behaviour (ASB)
MEETING: Single Cabinet Member Decision
DATE: 6th February 2017
DIVISION/WARDS AFFECTED: Priory and Lansdown, Abergavenny

1. PURPOSE:

1.1 To seek approval to make Public Spaces Protection Orders (PSPO) in respect of Fairfield Car Park and the Skate Park in Abergavenny, Monmouthshire.

2. RECOMMENDATIONS:

2.1 To approve the making of Public Spaces Protection Orders in respect of Fairfield Car Park and the Skate Park in Abergavenny, Monmouthshire.

3. KEY ISSUES:

3.1 Key Issues - Fairfield Car Park

3.1.1 Historically there have been issues with Anti-Social Behaviour (ASB) at Fairfield Car Park. The car park area is identified on the attached map at Annex A1.

3.1.2 Vehicle related disorder in and around the car park is occurring during the evenings from 5pm, and at weekends this can continue until 4am.

3.1.3 ASB reported activity includes:

- ASB in the early hours from 1700hrs to 0300hrs
- Speeding vehicles in Park Avenue
- Loud music and exhaust revving
- Driving erratically, racing around and doing doughnuts
- Residents have raised concern over drug exchanges
- Same issues reoccurring every night
- Litter being left in the area

3.1.4 There have been a number of calls to Gwent Police complaining about vehicle related ASB between March and December 2016. Gwent Police complaints log are attached at Annex A2. It is possible the record minimises the extent of the ASB as residents have raised an issue with 101 not working properly, which has prevented all complaints being logged and minimised the number of recorded complaints.

3.1.5 Gwent Police have taken a number of steps to reduce ASB in this area, 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 could last up to 3 years.

3.1.6 Other action to try and reduce ASB in this area has included:

- Installation of a barrier gate to the car park entrance.
- Flow plates to the exit of the car park

3.2 Key Issues – Skate Park, Abergavenny

3.2.1 There have been numerous complaints to Gwent Police about youth Anti-Social Behaviour within the Skate Park in Abergavenny. The Skate Park can be viewed on the attached map at Annex B1.

3.2.2 ASB activity reported to Gwent Police includes:

- Suspected drug use
- Litter
- Alcohol consumption
- Smoking
- Recovery of 33 'drug baggies' and 8 gas canisters (for sniffing laughing gas)

3.2.3 Gwent Police have taken a number of steps to reduce ASB in this area, including:

- Confiscation of drugs & drug paraphernalia
- Confiscation of alcohol
- ASB letters issued to parents

3.2.4 Full details of Gwent Police call log are attached at Annex B2.

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) Activities 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 activities will be carried on in a public place within that area and they will have such an effect.

4.3 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 police.

4.4 A Public Spaces Protection Order is an Order that prohibits specified activities taking place in a restricted area.

5. RESOURCE IMPLICATIONS:

- 5.1 The ASB Reduction Officer will work with Gwent Police and community partners as part of the substantive role to issue the Public Spaces Protection Order and Gwent Police will enforce the Order through their usual policing practices.
- 5.2 Should the Order be granted, there is a requirement for signage to be erected outlining the conditions of the Order. The cost of signage will be met from the Community Safety Grant funding.

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

7. CONSULTEES

- 7.1 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 to consult;
 - (c) The owner or occupier of land within the restricted area;
- 7.2 All necessary consultees have been contacted in respect of the public consultation to comply with the legislation.
- 7.3 An initial consultation meeting was held with key stakeholders on 14th November 2016 which confirmed support for the Order.
- 7.4 A formal consultation period of 21 days was held, ending on 2nd February 2017.
- 7.5 All residential properties within a 150 metre radius of the area shaded in red on both Annex A1 & B1 received letters informing them of the proposals and inviting feedback as part of the consultation process. Copies of the letters are attached (Annex C).
- 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 (PCC)
 - County Councillor, Priory Ward
 - Gwent Police, Abergavenny local policing team
 - Assembly Member, Monmouthshire
 - MP – Monmouthshire
 - MHA – Chief Executive
 - MCC Youth Service Manager
 - MCC Car Park Manager
 - MCC Head of Operations

- MCC Green Infrastructure Manager
- MCC Head of Public Protection
- Abergavenny Town Council Clerk
- 107 Residential properties surrounding the Fairfield Car Park
- 91 Residential properties surrounding the Skate Park.
- Members of Safer Monmouthshire, Strategic Partnership Group
- Members of PSB Programme Board.

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.

7.8 There have been no objections to the proposal to make the Order. All members of the public expressing views during the consultation have been supportive of the proposed Order. Feedback can be viewed as Appendix D.

7.9 A draft PSPO is attached as Appendix E

7 BACKGROUND PAPERS:

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

8 AUTHOR:

Nicola Bowen, Strategic Adviser, Strategic Partnership Team

9 CONTACT DETAILS:

Email - NicolaBowen@Monmouthshire.gov.uk

10 APPENDICES

Annex A1 – Fairfield Car Park Map

Annex A2 – Fairfield Car Park Complaints Log

Annex B1 – The Skate Park Map

Annex B2 – The Skate Park Complaints Log

Annex C1 – Proposal Letters – Fairfield

Annex C2 – Proposal Letters – Skate Park

Annex D – Response Emails


Annex E1 – Draft PSPO – Fairfield

Annex E2 – Draft PSPO – Skate Park

Annex F – Future Generations Evaluation

Annex A1 – Fairfield Car Park Map

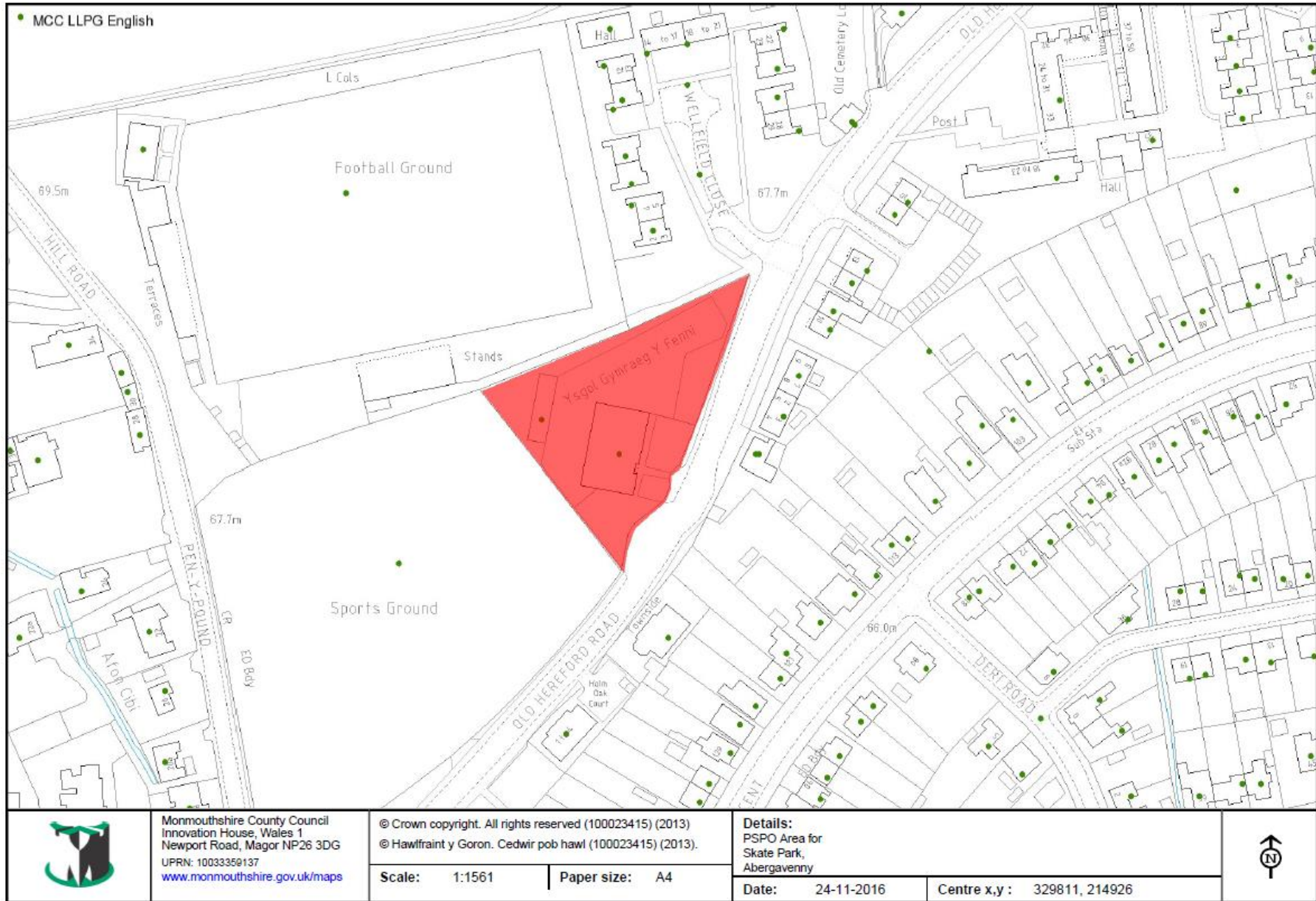


	Details: PSPO Area for Fairfield Car Park, Abergavenny		© Crown copyright. All rights reserved (100023415) (2013) © Hawlfraint y Goron. Cedwir pob hawl (100023415) (2013).	
	Scale: 1:1632 Paper size: A4	Date: 24-11-2016 Centre x,y : 329947, 214532	Monmouthshire County Council Innovation House, Wales 1 Newport Road, Magor NP26 3DG UPRN: 10033359137 www.monmouthshire.gov.uk/maps	

Annex A2 – Fairfield Car Park Complaints Log

<p>Fairfield car park started as a T&F Group to deal with ASB use of cars and noise. A plan has been put together for a barrier system to restrict part of the car park during certain hours. Further meeting to be convened to formulate the opening and closing details. Civic Society looking to set Planters along Park Road boundary.</p>	<p>Meeting held 19/05/15 in Abergavenny Town Council Offices. Good turn out. Plan of action put in place. Several depending factors.</p> <p>Update: 06/07/15 - implimentation of the plans on a trial basis due to commence asap, delayed by a gas pipe, but not unduly. Evening event held on site with police, fire, MCC, road safety etc., well attended, press coverage. Back lash from local residents who took some convincing of the new layout and restrictions. Still some current issues of ASB with upto 30 cars on site the other day.</p> <p>Update: 20/08/15 - Section 35 Dispersal Notices had been served for two weekends resulting in first weekend 35 notices being issued and the second weekend none. Cars are slowly creeping back in although calls had reduced and were expected to reduce further over winter months. Resources for the barrier no longer existed. Dawn Purkiss identified that Steve Wilkinson from Abergavenny Youth and Community Centre may be able to open/close the barrier and would make inquiries. Next PSG meeting set for 06/10/15.</p> <p>Update: 22/10/15 - Resource found to raise & lower bollard Mondy to Friday; just looking for weekend cover. Engineering work to be completed for the pedestrian walk way and safety gap. Trial nearly ready to proceed. Rachel to coordinate and circulate to staff for volunteers.</p> <p>Update: 17/12/15 - Leave on some issues to be resolved in car park around signage. Next PSG on 12/01/16</p> <p>Update: 25/02/16 - Project has started but has been hampered by poor quality of the bollards and failing to operate. Highways team looking for a solution.</p> <p>Update: 21/04/16 - Roger/Amanda working on a solution. The Fair and another event in the car park in May require the barrier to be open.</p> <p>Update: 30/06/16 - Project has stalled. No recent complaints; Noise 1-2am only lasts for 20secs. Flow Plates finished off by Steam Rally. To pick with Roger Hoggins.</p> <p>Update: 24/08/16 - Ongoing issues, update would be sought from Roger Hoggins on the position with the barrier.</p> <p>Update: 20/10/16 - Highways looking at fitting a gate/barrier in place of the bollards; also to renew the flow plates. Police 'Your Voice' survey - Fairfield ASB features highly. Discuss setting up a T&F Group to start process of a PSPO.</p>
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Annex B1 – The Skate Park Map



Monmouthshire County Council
 Innovation House, Wales 1
 Newport Road, Magor NP26 3DG
 UPRN: 10033359137
www.monmouthshire.gov.uk/maps

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Scale: 1:1561 | Paper size: A4

Details:
 PSPO Area for
 Skate Park,
 Abergavenny

Date: 24-11-2016

Centre x,y : 329811, 214926



Anenx B2 – The Skate Park Complaints Log

<p>Abergavenny Skate Park - escalation of drug misuse at the park by older ones who are putting off the younger children; DP MYS brought in two Bongs and empty cannabis packets recovered from the park overnight. Intel: Black BMW, male tattoos on neck, looking for individual. Also Intel: that the graveyard next to the park is being frequented to carry out drug deals. Graveyard is an MCC Closed Cemetery. Set up a PSG for 25th November.</p>	<p>MYS - to monitor, use of centre CCTV; Police Patrol Plan for extra attention; Police: evidence gathering; PSG to arrange; Safeguarding referral by police on one nominal; Referral to 'Dad's Can'; ACTION: 3 bins in the park need emptying. ACTION: AM to arrange a PSG meeting for PSPO process to commence.</p>	<p>Update: 17/12/15 - Multi-agency PSG meeting called and sat on 25/11/15 in the Education Centre. A number of actions were discussed and set. MYS update - last Friday another Bong was found in the grounds. The shrubs have been cut back by grounds staff, opening up the site. Police and MYS are planning a number of drug awareness events using the Ion Track machine. General feeling is that activity has reduced based on the less quantity of found items. Staff know its still going on, but now the YP's know the staff know. MYS advised about calling in when they have issues with specific individuals.</p> <p>Update: 25/02/16 - issue last Monday a car was in the car park smoking/dealing cannabis. reported to police. MYS staff still collecting up plastic cannabis bags, but not nearly as many as before. Older lads no longer frequenting the area. Programme through the schools DVD on 'Legal Highs'. YP's saying they can not get hold of NPS locally, they have to go to Pontypool for them. One lad had a bad reaction and news of this spread to his peers.</p> <p>Update: 21/04/16 - Two days ago 25 bags; today 20 bags; also Nitric Oxide canisters appearing now. Police no reports of ASB linked to cannabis. Older ones selling canisters £1 each to younger YP's. Intel to Mal. MHA engagement teams - education. MYS have the names of streets of the offenders, most are MHA streets. Info to be shared to MHA. Some packets have a white powder residue. Consideration to use the Ion Track.</p> <p>Update: 30/06/16 - RISE in alcohol confiscation by the police; YP's just sit there and are not bothered. Mainly cannabis use in park and cemetery. School is on board. Question of use of anti-climb paint to use on the walls of the cemetery. Upset caused to the residents of Wellfield Close. Some cutting and litter clearance has taken place in the cemetery but not enough. Natural tree canopy affords cover. Names to Mall for ASB Letters. Liaise with Ben and Rhian - Estates, Residents not ringing police, but speaking to CSO AY in person. Good attendance in the Centre; some drinking alcohol in the afternoon, bought by older people believed Tesco's.</p> <p>Update 24/08/16 - The Youth Centre was currently closed and would re-open in two weeks, outreach work was ongoing. Police had made an arrest, restorative justice still ongoing and collation of evidence to create a Public Space Protection Order.</p> <p>Update: 20/10/16 - Outreach Choices worker when centre is closed. Complaint from Member of Public, a grandfather taking his grand daughter to the park, re drugs. MYS vacating the premises by March 2017. the Adult Ed will remain, as will the skate park facility. H/T shut all week. Wednesday outreach work. Decision to set up a PSPO meeting.</p>
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Dear Resident

Public Spaces Protection Order Consultation

The Safer Monmouthshire Partnership Group has received reports of anti-social behaviour in Fairfield Car Park, Abergavenny. We believe that the nuisance is specific in nature and focused on this particular area and has given rise to concerns for those who use these areas on a daily basis and their property. 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 Fairfield Car Park, Abergavenny. 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 arrest and prosecution for anyone who is in breach of the prohibitions contained within the Order.

The prohibitions are listed below for your consideration;

- No person is allowed to use the car park within the geographical area for any purpose other than parking in marked bays*
- No person will engage in activity which will endanger the public and property*
- No person will engage in 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, drugs paraphernalia, psychoactive substances or be in possession of psychoactive substances with intent to supply or share*
- No person shall make noise that is prejudicial to health or a nuisance*

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 named carpark are having or have had 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.

Dear Resident

Public Spaces Protection Order Consultation

The Safer Monmouthshire Partnership Group has received reports of anti-social behaviour in the Skate Park, Abergavenny. We believe that the nuisance is specific in nature and focused on this particular area and has given rise to concerns for those who use these areas on a daily basis and their property. 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 the skate park, Abergavenny. 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 arrest and prosecution for anyone who is in breach of the prohibitions contained within the Order.

The prohibitions are listed below for your consideration;

- No person will engage in activity which will endanger the public and property*
- No person will engage in 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, drugs paraphernalia, psychoactive substances or be in possession of psychoactive substances with intent to supply or share*
- No person shall make noise that is prejudicial to health or a nuisance*
- No person shall consume alcohol or be in possession of an open container of alcohol other than in the boundaries of licensed premises or for special events approved in advance by Monmouthshire County Council*
- No person is permitted to smoke in the restricted area*

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 named area are having or have had 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.

Annex D – Response Emails (Note: responses have been anonymised)

Response 1:

I am in full support of this, both as an Abergavenny Town councillor and as a resident in the vicinity of the Skate Park.

Response 2:

I write to confirm my support for this Order.

Response 3:

I refer to your letter dated 12th January, 2017, concerning the above consultation, which relates to a proposed Public Spaces Protection Order in respect of the Fairfied car park Abergavenny.

Whilst our property is largely unaffected by the noise and unsociable behaviour which usually occurs when our premises are closed to business, there has been a noticeable increase in the litter, discarded fast food containers, and general rubbish which can be found in the car park each morning. There has also been an increase in graffiti which can be seen nearby.

We therefore lend our support to the proposed Order.

Response 4:

We have received your letter in regards to the anti-social behaviour in the Fairfield Car Park, Abergavenny and I am emailing you to express our support for this action.

It has become very unpleasant living where we live because of the boy racers. Every night we can hear them racing around the car park or revving their engines. The noise goes on until 2 or 3 am in the morning and is constant. As a result I can no longer sleep in our bedroom without using ear plugs. The noise has also woken up our child on numerous occasions and we can also hear them over our television. In the summer we are not able to open our windows due to the noise.

Recently their behaviour seems to have escalated and they seem to be revving their engines and beeping their horns more and have also been setting fireworks off. It is quite intimidating and scary.

MONMOUTHSHIRE COUNTY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
Public Space Protection Order (PSPO) covering Fairfield Car Park, Abergavenny

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 XXXX 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 areas defined edged red on the attached map(s) known as Fairfield 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. No person is allowed to use the car park within the geographical area for any purpose other than parking in marked bays
 - 5.2. No person will engage in activity which will endanger the public and property
 - 5.3. No person will engage in activity which is offensive, anti-social, indecent or causes distress to any member of the public
 - 5.4. No person using the car park shall be in unlawful possession of controlled drugs, drugs paraphernalia, psychoactive substances or be in possession of psychoactive substances with intent to supply or share
 - 5.5. This Order does not prevent the taking place of community events organised by the Council
6. Section 67 of the Act applies to the prohibitions and requirements set out in paragraphs 5.1 to 5.5 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 5.5 of this Order

- b) To fail to comply with a requirement to which a person is subject under paragraph 5.1 to 5.5 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
- 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

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, regularly works in, or visits any of the Restricted 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: that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or that a requirement of the legislation was not complied with in relation to the Order.

MONMOUTHSHIRE COUNTY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Public Space Protection Order (PSPO) covering the Skate Park, Abergavenny

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 XXXX 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 areas defined edged red on the attached map(s) known as the Skate 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. No person will engage in activity which will endanger the public and property
 - 5.2. No person will engage in activity which is offensive, anti-social, indecent or causes distress to any member of the public
 - 5.3. No person in the Restricted Area shall be in unlawful possession of controlled drugs, drugs paraphernalia, psychoactive substances or be in possession of psychoactive substances with intent to supply or share
 - 5.4. No person is permitted to smoke in the Restricted Area
 - 5.5. No person shall make a noise that causes, or is likely to cause, a nuisance or interference with the reasonable enjoyment of nearby property
 - 5.6. No person shall consume alcohol or be in possession of an open container of alcohol other than in the boundaries of licensed premises or for special events approved in advance by the Council
6. Section 67 of the Act applies to the prohibitions and requirements set out in paragraphs 5.1 to 5.5 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 5.5 of this Order
 - b) To fail to comply with a requirement to which a person is subject under paragraph 5.1 to 5.5 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
- 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. Consuming alcohol in breach of the Public Spaces Protection Order is not an offence under this section (but see Section 7 below)
7. Section 63 of the Act applies to the prohibitions set out in paragraphs 5.6, namely that where a constable or authorised persons reasonably believes that a person:
- 7.1. Is or has been consuming alcohol in breach of prohibitions 5.6 of this Order; or intends to consume alcohol in breach of prohibitions 5.6 of this Order
 - 7.2. The constable or authorised persons may require that person(s)
 - a) Not to consume, in breach of paragraphs 5.6 of this Order, alcohol, or anything which the constable or authorised person reasonable believes to be alcohol; and
 - b) To surrender anything in that person's possession which is, or which the constable or authorised person reasonable believes to be, alcohol or a container for alcohol;
 - 7.3. It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable under Section 63;
 - 7.4. 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
8. Appeals
- 8.1. 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, regularly works in, or visits any of the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.
 - 8.2. 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: that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or that a requirement of the legislation was not complied with in relation to the Order.