

# DENBIGHSHIRE COUNTY COUNCIL

## PUBLIC SPACE PROTECTION ORDER

### RHYL TOWN CENTRE

In exercise of its powers under Sections 59, 63 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all enabling powers the Council hereby makes the following Order.

The land described by the map attached 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 Order (hereinafter called the "designated restricted area").

The Order may be cited as the Rhyl Town Centre Public Spaces Protection Order and will come into force on **[insert date]** for a duration of 3 years.

The Council makes the Order because behaviour within the Designated Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.

#### 1. Anti-Social Behaviour

1.1 An authorised person may request that an individual, or a group, within the restricted area disperse, where they reasonably suspect any person in that group is causing, or likely to cause nuisance, alarm, harassment or distress to any other person.

1.2 A person engaged in ASB is prohibited from remaining (either individually or in a group of two or more people) within the restricted area after an authorised person has requested that the group disperse and must not return for a specified period of up to 48 hours.

1.3 A person is prohibited from loitering in shop doorways within the restricted area, with the apparent purpose of causing nuisance, harassment, alarm or distress.

1.4 A person is prohibited from loitering in a state of alcohol or drug induced intoxication within the restricted area.

#### 2. Street Drinking

2.1 A person is prohibited to be in possession of an open container of alcohol in a public place ( even if empty) within the area designated by the public space protection order.

2.2 It is prohibited to be in possession of an unopened container of alcohol in a public place within the restricted area in such circumstances that would lead a reasonable person to suspect that such a container is likely to be opened and consumed in a public place within the restricted area.

2.3 A person is required to surrender any alcohol in their possession when asked to do so by an authorised person in the restricted area.

## Persons authorised to enforce this Order - Police Officer and Police Community Support Officer

Section 63 of the Anti-Social Behaviour Crime and Policing Act says that where a constable or authorised person reasonably believes that you are in breach of this Order, the constable or authorised person may require you to comply with the provisions set out in paragraphs 1 and 3 above.

### Offence

Any person who, without reasonable excuse, fails to comply with the prohibitions in 1 and 2 above commits an offence.

### Penalty

A person who is guilty of an offence in respect of failure to comply with the prohibitions 1 and 2 above shall be liable on summary conviction to a fine.

### Fixed Penalty

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty. If you pay the fixed penalty within the 14 days you will not be prosecuted.

### 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 the restricted area. 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 one of the requirements of the legislation, for instance consultation, has not been complied with.

When 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. The High Court has the ability to uphold the order, quash it, or vary it.

Dated: **[insert date]**

The Common Seal of  
Denbighshire County Council  
was affixed in the presence of:

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Date: \_\_\_\_\_

