



WREXHAM COUNTY BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER

Anti-social Behaviour, Crime and Policing Act 2014

Rhosddu Park and Cemetery – Rhosddu Road, Wrexham, LL11 2NS

Ordnance Survey (OS) ref: 3332 3508

Notice is hereby given that Wrexham County Borough Council (“the Council”) 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 other enabling powers, proposes to make the following order: within the area marked in red on the plan attached (hereinafter called the “designated restricted area”)

The Order will come into force on the 21 March.2016 and ends on the 20 March 2019

The effect of the Order is to impose the following prohibitions on the use of the designated restricted area:

1. INTOXICATING SUBSTANCES

That Person(s) within the designated restricted area are prohibited from eating, drinking, inhaling, injecting, smoking or otherwise using any intoxicating substances and from the preparation of any such activities. Intoxicating substances are defined as substances with the capacity to stimulate or depress the central nervous system. (For the purposes of this paragraph, this includes any other legally obtained product which is intoxicating in nature, excluding alcohol)

2. PROHIBITION ON ALCOHOL CONSUMPTION

No person shall consume alcohol or have an open container of alcohol in their possession in the designated restricted area.

Section 63 of the Act says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this order; or
- Intend to consume alcohol in breach of this order

The constable or authorised person may require you

- (a) Not to consume, in breach of the order, alcohol, or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) To surrender anything in your 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 upon conviction at the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

3. SMOKING IN CHILDRENS' PLAY AREA

No person shall smoke tobacco, tobacco related products including herbal cigarettes or any illegal substance, within the boundary of the children's play area in the designated restricted area.

4. INTOXICATED PERSONS

Persons in an intoxicated condition are prohibited from the designated restricted area.

5. URINATING AND DEFECATING

No person shall urinate or defecate within the designated restricted area

6. SLEEPING DURING THE HOURS OF DARKNESS

No person shall sleep within the designated restricted area during the hours of darkness.

7. LITTERING

No person shall deposit litter in the designated restricted area.

8. DOG FOULING

Dog fouling is prohibited in the designated restricted area. It will be an offence for any person in charge of a dog, which defecates on land specified in the Order, to fail to remove the faeces forthwith, unless he can show a reasonable excuse for failing to do so or the owner/occupier of the land has consented to his failing to do so.

9. DOGS KEPT UNDER CONTROL

Dogs must be kept under close control in the designated restricted area. We ask that dogs are kept within sight of their owners and will come back immediately when called.

10. EXEMPTIONS

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose,

or for the disposal of waste, shall be sufficient removal from the land;

- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces

- “an authorised person of the Authority” means an employee, partnership agency or contractor of Wrexham County Borough Council who is authorised in writing by Wrexham County Borough Council.

- Each of the following is a "prescribed charity" -

- _ Dogs for the Disabled (registered charity number 700454)

- _ Support Dogs Limited (registered charity number 1088281)

- _ Canine Partners for Independence (registered charity number (803680

PENALTY

A person who is guilty of an offence in respect of a failure to comply with any of paragraphs 1 and 3 to 9 above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 (or £75 if paid within 7 days), failing which they may be prosecuted.

APPEAL

Any challenge to the Order can be made at the High Court by an interested person within 6 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 the Order on two grounds:

i) that the Council did not have the power to make the Order or to include particular prohibitions or requirements: or

ii) 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 this.....day of.....2016

The Common Seal of the
WREXHAM COUNTY BOROUGH COUNCIL
Was hereunto affixed in the presence of:

.....
HEAD OF CORPORATE AND CUSTOMER SERVICES
WREXHAM COUNTY BOROUGH COUNCIL
GUILDHALL
WREXHAM

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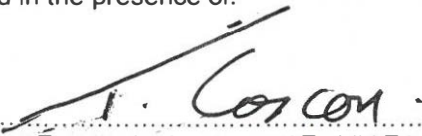
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Dated this 16th day of March 2016

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GUILDHALL
WREXHAM



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