

Appendix D

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER 2018

MAESGLAS, NEWPORT

NEWPORT CITY COUNCIL in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes this Order, being satisfied on reasonable grounds that activities in a public space, namely in the MAESGLAS area of Newport, have had or are likely to have a detrimental effect on the quality of life of those in the locality and that these activities involved various anti-social behaviours. Further, Newport City Council believes that the effect, or likely effect, of the said activities is, or is likely to be, persistent or continuing in nature, such as to make the activities unreasonable and justifies the restrictions imposed by this Order:-

1. This Order shall come into operation on _____ 2018 and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council’s statutory powers.
2. This Order relates to the public place in the City of Newport as shown edged in red on the Plan annexed to this Order (“the Restricted Area”) commonly referred to as “MAESGLAS”.

PROHIBITIONS:-

3. No person shall within the Restricted Area refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance or disorder.
4. No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, disperse immediately or

by such time as may be specified and in a manner as may be specified by the said authorised person and failure to do so is a further breach of this Order.

5. No person shall within the Restricted Area:
 - a. Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
 - b. Sell or supply intoxicating substances.
 - c. Intoxicating substances (commonly referred to as “legal highs”) is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).
 - d. Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.
 - e. Persons who breach this prohibition shall surrender any such intoxicating substance in his/her possession when asked to do so by an authorised officer in the Restricted Area.

6. No person shall, except as provided in Articles (6c) and (6d) below, use the public right of way over the public place as shown coloured in blue on the Plan annexed to this Order hereafter referred to as (“the Restricted Area 2”); namely part of a lane that runs directly behind the shops located on Cardiff Road known locally as the “Maesglas shops”.
 - a. Gates may be installed, operated and maintained at each end by Newport City Council.
 - b. Any person using the gates referred to in Article (6a) to gain access to or from the Restricted Area 2 shall ensure that the gates are closed and locked immediately after they are used.
 - c. The restriction in Article (6) of this Order shall not apply to any person who occupies premises adjoining or adjacent to the Restricted Area 2.
 - d. The restrictions in Articles (6) and (6b) of this Order shall not apply to any Police, Ambulance or Fire Service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas, electricity, water or communications provider requiring access to their apparatus situated in the Restricted Area 2.
 - e. The alternative route for pedestrians is as shown hatched in xxxx on the Plan annexed to this Order.
 - f. No waste or household item shall be deposited, stored or discarded in the Restricted Area 2. This restriction shall not apply to any wheeled bin or other approved receptacle for the storage of waste where the Council has given written consent for the wheeled bin or approved receptacle to be stored in the Restricted Area 2.

FIXED PENALTY NOTICES AND OFFENCES:-

7. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
8. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 2 fine (currently £500) or to a Fixed Penalty Notice up to £100.
9. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 3 fine (currently £1000) or to a Fixed Penalty Notice up to £100.

APPEALS:-

10. If any interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the

date on which this Order is made.

Dated:

THE COMMON SEAL of)
NEWPORT CITY COUNCIL was)
here unto affixed in the presence of:-)
)

Restricted Area

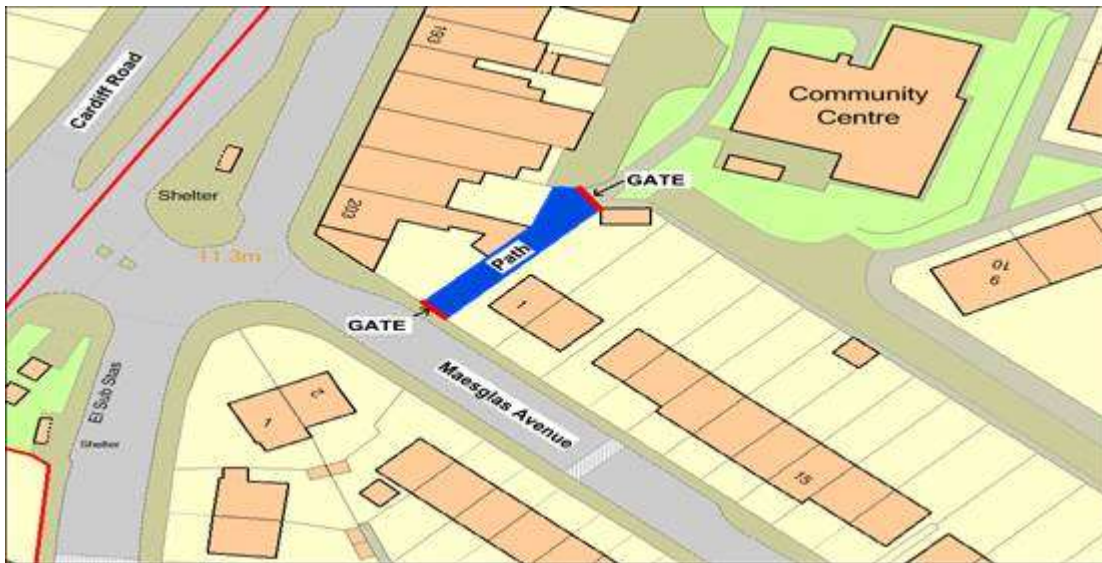


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Restricted Area 2



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