

WREXHAM COUNTY BOROUGH COUNCIL Anti-Social Behaviour, Crime and Policing Act 2014 Wrexham City Public Spaces Protection Order 2023

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 Wrexham City Public Spaces Protection Order 2023:

1. This Order relates to the public spaces⁽¹⁾ within the area edged in red on the plan attached, being public spaces in the Council's area to which the Act applies (“the restricted area”).
2. The Council is satisfied that the two conditions below have been met, in that:
 - (a) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - (b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
3. The order will come into force on2023 and ends on 2026.

BY THIS ORDER

Prohibitions and/or requirements

4. The effect of the order is to impose the following prohibitions and/or requirements in the restricted area (“the area”) at all times :
 - (1) Any person is prohibited from behaving in a manner that is likely to cause harassment, alarm, nuisance or distress in the area.
 - (2) (i) Any person within the area is prohibited from ingesting, injecting, inhaling, smoking or otherwise using intoxicating substances. Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system, but does not include tobacco or prescription medication (where taken for a demonstrable medicinal use).

¹ “Public Place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

- ii. Any person within the area is prohibited from having in their possession any open containers of intoxicating substances as defined in paragraph 2(i).
- iii. Any person within the area is prohibited from having any item that can be used to assist in the taking of intoxicating substances defined in paragraph 2(i). This includes any device for smoking substances other than e cigarettes and also includes needles - save for those packaged and sealed by the manufacturer and stored in a hard case.
- iv. Any person is prohibited from loitering in a state of intoxication or through drug induced activity in the area.
- v. Any person is prohibited from urinating or defecating in any public place in the area (this does not include public toilets).
- vi. Any person is prohibited from consuming alcohol in any public place (licensed premises² excluded) or be in possession of an open container(s) of alcohol. A person shall, on the request of a Police Constable, or an authorised Council Officer surrender or dispose of anything in the person's possession believed to be alcohol or a container for alcohol from which they were believed to be consuming the alcohol.

5. Penalties

(a) If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities described in section 4 (1) and (2) (i-v), they will commit a criminal offence for which the maximum penalty on summary conviction is a fine not exceeding level 3 on the standard scale (£1000) or a fixed penalty notice of £100.

(b) If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities described in section 4 (2) (vi), they will commit a criminal offence for which the maximum penalty on summary conviction is a fine not exceeding level 2 on the standard scale (£500) or a fixed penalty notice of £100.

6. Appeals

A challenge to the Order must 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.

² Licensed premises will include those involved in continental markets / beer festivals/street markets where Temporary Event Notices have been obtained, so will in effect be licensed premises for the time they are there.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or variation 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 or variation or any of the prohibitions or requirements imposed by the Order (or by the Order as varied) until the final determination of the proceedings. The High Court has the ability to uphold the Order or variation, quash it, or vary it.

The draft of the proposed order is set out above. The proposed order is also available on the Council's website www.wrexham.gov.uk, along with guidance documents as to the legislation and frequently asked questions.

Dated..... 2023

Signature

Title

MAP OF THE RELEVANT AREA

