

TORFAEN COUNTY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
Public Space Protection Order covering the
Broadweir Road, Old Cwmbran, Monmouth and Brecon Canal Area

Torfaen County Borough Council ("the Council") in exercise of its powers under Sections 59, 60, 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 1st December 2020 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 known as Broadweir Road (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 Restrictive Area.
 - 5.1 All fishing during the daytime is limited to Cwmbran Angling Club members, who must make licences available for inspection when asked to do so by an officer of Torfaen County Borough Council, Gwent Police or National Resources Wales.
 - 5.2 Night fishing – between the hours of 9pm and 8am – is prohibited for all members of the public and licensed fishermen.
 - 5.3 Entry into the canal water is prohibited for dogs and members of the public unless prior agreement is obtained from Torfaen County Borough Council.
 - 5.4 Camping and erection of tents in and around the area of the canal is not permitted

- 5.5 Blocking of footpaths/towpaths within the Public Spaces Protection Order area is prohibited without exception
 - 5.6 No person shall make noise that is prejudicial to health or a nuisance
 - 5.7 Any climbing of trees, removal of plants is not allowed
 - 5.8 Dogs must be on leads whilst using the walkways and towpath
 - 5.9 Motorised vehicles are strictly prohibited on the towpath
 - 5.10 Ball games are prohibited
 - 5.11 No person shall consume alcohol or be in possession of an open container of alcohol.
 - 5.12 No person will be in possession of drugs or drug paraphernalia.
6. Section 67 of the Act applies to the prohibitions and requirements set out paragraphs 5.1 to 5.12 of this Order namely:-
- (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 5.12 of this Order
 - (b) to fail to comply with a requirement to which a person is subject under paragraph 5.1 to 5.12 of this Order.
 - (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.
 - (3) A person does not commit an offence under this section by failure to comply with a prohibition or requirement that the Local Authority does not have power to include in the public spaces protection Order.
 - (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 5.11 namely that where a constable reasonably believes that a person:
- (a) Is or has been consuming alcohol in breach of prohibitions 5.11 of this Order; or intends to consume alcohol in breach of prohibitions 5.11 of this Order

The constable may require that person(s)

- (b) Not to consume, in breach of paragraphs 5.11 of this Order, alcohol, or anything which the constable or authorised person reasonably believes to be alcohol;
- (c) To surrender anything in that person's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol
- (d) It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable under section 63.
- (e) 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**

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. 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.

Dated this 24th day of November 2020

**The COMMON SEAL of TORFAEN
COUNTY BOROUGH COUNCIL**
was hereunto affixed in the presence of:-



[Signature] 21780
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Authorised Officer