

Public Spaces Protection Order Covering the Swansea City Centre

The Council of the City and County of Swansea (“the Council”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order, being satisfied on reasonable grounds that activities in a public space, namely Swansea City Centre, 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, The Council of the City and County of Swansea 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 restriction imposed by this Order:-

1. This Order shall come into operation on 9th December 2021 and shall have effect for a period of 3 years thereafter, unless extended by further order under the Council’s statutory powers.

2. The Proposed Order may be cited as The Council of the City and County of Swansea Public Spaces Protection Order for the City Centre.

3. The land identified by the appended map being land in the area of the Council’s jurisdiction is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Proposed Order (“the Restricted Area”).

4. No person shall urinate or defecate in the street or public space.

4a. Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by the Council and with its agreement

5. No person shall beg in a manner which is aggressive or intimidating or which is likely to cause a member of the public to feel harassed, alarmed or distressed within the restricted area.

6. 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 a Police Officer, disperse immediately or by such time as may be specified and in a manner as may be specified by the said Police Officer and failure to do so is a breach of this Order.

7. No person shall within the Restricted Area:

7a. Ingest, inhale, inject, smoke, possess or otherwise use controlled or intoxicating substances.

7b. Sell or supply controlled or intoxicating substances.

7c. 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). 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.

7d. Persons who breach this prohibition shall stop consuming and surrender any such substance in their possession when asked to do so by an authorised officer in the Restricted Area.

8. To prevent public nuisance or disorder, 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.

9. The conditions in Paragraph 8 above shall not apply to the following:

9a. Premises authorised by a Premises Licence to be used for the supply of alcohol;

9b. Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

9c. A place within the curtilage of the premises within Paragraphs 9 (a) or (b);

9d. Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;

9e. A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under Section 115 of the Highways Act 1980 (highway-related uses)

10. A person guilty of the offence of failing to comply with the Proposed Order under Section 67 of the Act, is liable on summary conviction to a fine not exceeding Level 3 on the standard scale or if in receipt of a Fixed Penalty Notice to a penalty of a maximum £75.

10a. No proceedings may be taken for the offence before the end of the 14 day period following the date of notice; and

10b. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

10c. An early repayment fee of £50 will apply if the fixed penalty is paid within 7 days

11. Any person who without reasonable excuse continues consuming alcohol in the Restricted Area when asked to desist by an authorised person under Section 63 of the Act, or fails to surrender any intoxicating substance in their possession when asked to do so by an authorised person under Section 63 of the Act commits an

offence and is liable on summary conviction to a fine not exceeding Level 2 on the standard scale or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £75.

12. In consulting regarding this Proposed Order the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

13. In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Given under the Common Seal of
The Council of the City and County of Swansea

Appendix

