

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL (CONTROLLED DRINKING ZONE  
INCLUDING EXCLUSION ZONES FOR THE CONSUMPTION OF INTOXICATING SUBSTANCES  
INCLUDING ALCOHOL) PUBLIC SPACES PROTECTION ORDER 2018**

Rhondda Cynon Taf County Borough Council (“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 Public Spaces Protection Order:

1. This Order may be cited as the “Rhondda Cynon Taf County Borough Council (Controlled Drinking Zone including Exclusion Zones for the consumption of intoxicating substances including alcohol) Public Spaces Protection Order 2018” (the “Order”).
2. This Order comes into force on XX XXXXXX 2018 and shall have effect and remain in force for a period of three years from that date.
3. This Order creates a controlled drinking zone within the whole of the Rhondda Cynon Taf County Borough (hereinafter referred to as the “Controlled Drinking Zone”) and areas known as “Intoxicating Substance Exclusion Zones” (comprising of Aberdare and Pontypridd town centres and as more particularly delineated edged red on the plan attached to Schedule 1 to this Order).
4. In making this Order the Council is satisfied that the following conditions, as outlined in the Act, have been met in that:-
  - a) Activities carried out within the Controlled Drinking Zone (which includes the Intoxicating Substance Exclusion Zones) through the use of intoxicating substances have had a detrimental effect on the quality of life of those in the locality, and it is likely such activities will be carried out within that area and have such an effect; and
  - b) the effect or likely effect of these activities is or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justifies the restrictions imposed by this Order.

**OFFENCES**

5. The effect of this Order is to impose the following condition within the Controlled Drinking Zone:
  - (i) A prohibition at any time on any person(s) in a public place consuming alcohol or having an alcohol container, who without reasonable excuse continues drinking, or

fails to surrender intoxicating alcohol when asked to stop by an Authorised Officer unless an exemption listed in 7. below to this Order applies.

6. The effect of this Order is to impose the following condition within the Intoxicating Substance Exclusion Zones:

- (i) A prohibition at any time on any person(s) to consume, ingest, inhale, inject, smoke or otherwise use Intoxicating Substances in a public place unless an exemption listed in 6(iii) or 7. to this Order applies.
- (ii) "Intoxicating Substances" means substances with the capacity to stimulate or depress the central nervous system (and includes alcohol and what are commonly referred to as 'legal highs').
- (iii) Exemptions apply in cases where the Intoxicating Substances are used for; a valid and demonstrable medicinal use; given to an animal as a medicinal remedy; are cigarettes (tobacco) or vaporisers or are food stuffs regulated by Food, Health and Safety legislation.
- (iv) Persons within the Intoxicating Substance Exclusion Zones who breach the prohibition at 6(i) of this Order shall surrender all Intoxicating Substances in his/her possession to an Authorised Officer.

## 7. Exemptions

- (i) The prohibitions in 5(i) and 6(i) (in relation to alcohol consumption) of this Order do not apply to such activities at:
  - (a) premises (other than Council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph 7(i)(a) or 7(i)(b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 (the "Licensing Act") 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 the 30 minutes before that time;
  - (e) 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 115E of the Highways Act 1980 (highway-related uses); and
  - (f) Council-operated licensed premises when the premises are being used for the supply of alcohol, or

within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

8. For the purposes of this Order:

“Authorised Officer” means a police constable, community support officer or a person authorised by the Council for the purposes of enforcing this Order;

“club premises certificate” has the meaning given by section 60 of the Licensing Act;

“premises licence” has the meaning given by section 11 of the Licensing Act;

“supply of alcohol” has the meaning given by section 14 of the Licensing Act; and

premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and —

(a) the licence is held by Rhondda Cynon Taf County Borough Council in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by Rhondda Cynon Taf County Borough Council or are managed by or on behalf of Rhondda Cynon Taf County Borough Council.

9. It is an offence for a person to engage in activity which they are prohibited from doing by effect of this Order or fail to comply with a requirement to which a person is subject by effect of this Order.

### **PENALTIES**

10. A person who is guilty of an offence under this Order is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

11. A Fixed Penalty Notice may be issued by an Authorised Officer to a person who breaches this Order, offering them the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

### **SCHEDULE 1**

#### **INTOXICATING SUBSTANCES EXCLUSION ZONES**

**[Maps showing Aberdare and Pontypridd Town Centres being the Intoxicating Substances Exclusion Zones edged in red.]**