

RICHMONDSHIRE DISTRICT COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59
Richmondshire District Council
Parish of Colburn Public Spaces Protection Order 2018

This Order is made by Richmondshire District Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act").

1. This Order relates to the Parishes of Colburn and Brough with St Giles, as defined by the Schedule Plan attached to this Order. This is a public place in the Council's area to which the Act applies, this Order may be cited as the Colburn & Brough with St Giles Public Spaces Protection Order 2018.
2. The Council is satisfied that the activities listed have been carried out within the Restricted Area (Schedule attached) and that they have had a detrimental effect on the quality of life of those in the locality. The effect of these activities is of a persistent and continuing nature, and is such to make the activities unreasonable and justifies the restrictions imposed by this order.
3. The effect of this Order is to prohibit the following activities in public spaces within the restricted area, as follows:
 - a) Behaving in a way, including by congregating in a group, that causes or is likely to cause harassment, obstruction or concern for safety to another person in a public place;
 - b) Threatening and/or abusing people within the restricted area;
 - c) Continuing to consume alcohol when required to stop doing so by any authorised officer;
 - d) Throwing objects which are liable to cause damage, nuisance, or injury to any person, animal or structure.

An "Authorised Officer" is any Police Officer, Police Community Support Officer, or an Officer designated by the Council.

In the Restricted Area a person commits an offence if without reasonable excuse he or she fails to surrender any alcohol in his or her possession when required to do so by an Authorised Officer.


This Order cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol (other than council operated licences premises). There are also limitations where a temporary event notice has been given under Part 5 of the Licensing Act

2003, or where the sale or consumption of alcohol is permitted by virtue or permission granted under section 115E of the Highways Act 1980.

4. The Order will remain in force for a period of 2 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. Failure, without reasonable excuse to comply with the prohibitions or requirements imposed in this Order is a summary offence under Section 67 of the Anti-Social, Crime & Policing Act 2014. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale. An Authorised Officer may, under Section 68 of the Act, issue a Fixed Penalty Notice to anyone he or she has reason to believe has committed an offence under Section 67 in relation to this Order.

Given Under the Common Seal of Richmondshire District Council on the

Date: 20th March 2018

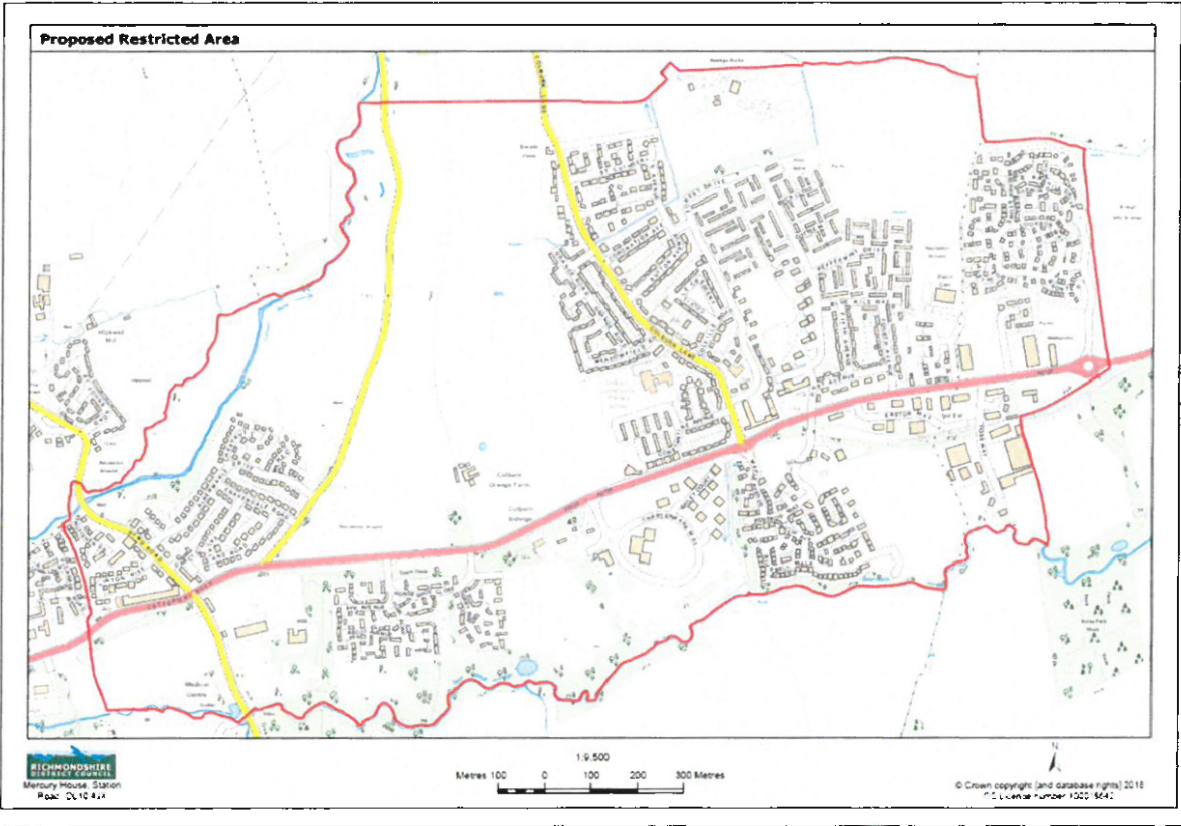
Authorised Officer: 



7389

Schedule

Restricted Area - MAP of Colburn & Brough with St Giles



For Information

Appeals

Any challenges to this Order must be made in 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.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have power to make the Order, 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 application is made, the High Court can decide to suspend the operation of the Order pending the High Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.