



**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER
RUGBY BOROUGH COUNCIL ORDER 2022**

RUGBY BOROUGH COUNCIL (“the Council”) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (“the restricted area”) of this Order 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. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

1. Restrictions

Person(s) within the restricted area shown edged red on the attached plan will not – ingest, inhale, inject, smoke or otherwise use intoxicating substances.

(Intoxicating substances is given the following definition (which includes Alcohol and what are commonly known as ‘Legal Highs’) substances with the capacity to stimulate or depress the central nervous system.

2. Location

This Order applies to the land described in the area shown edged in red on the attached plan, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the restricted area.

3. Offence/penalties

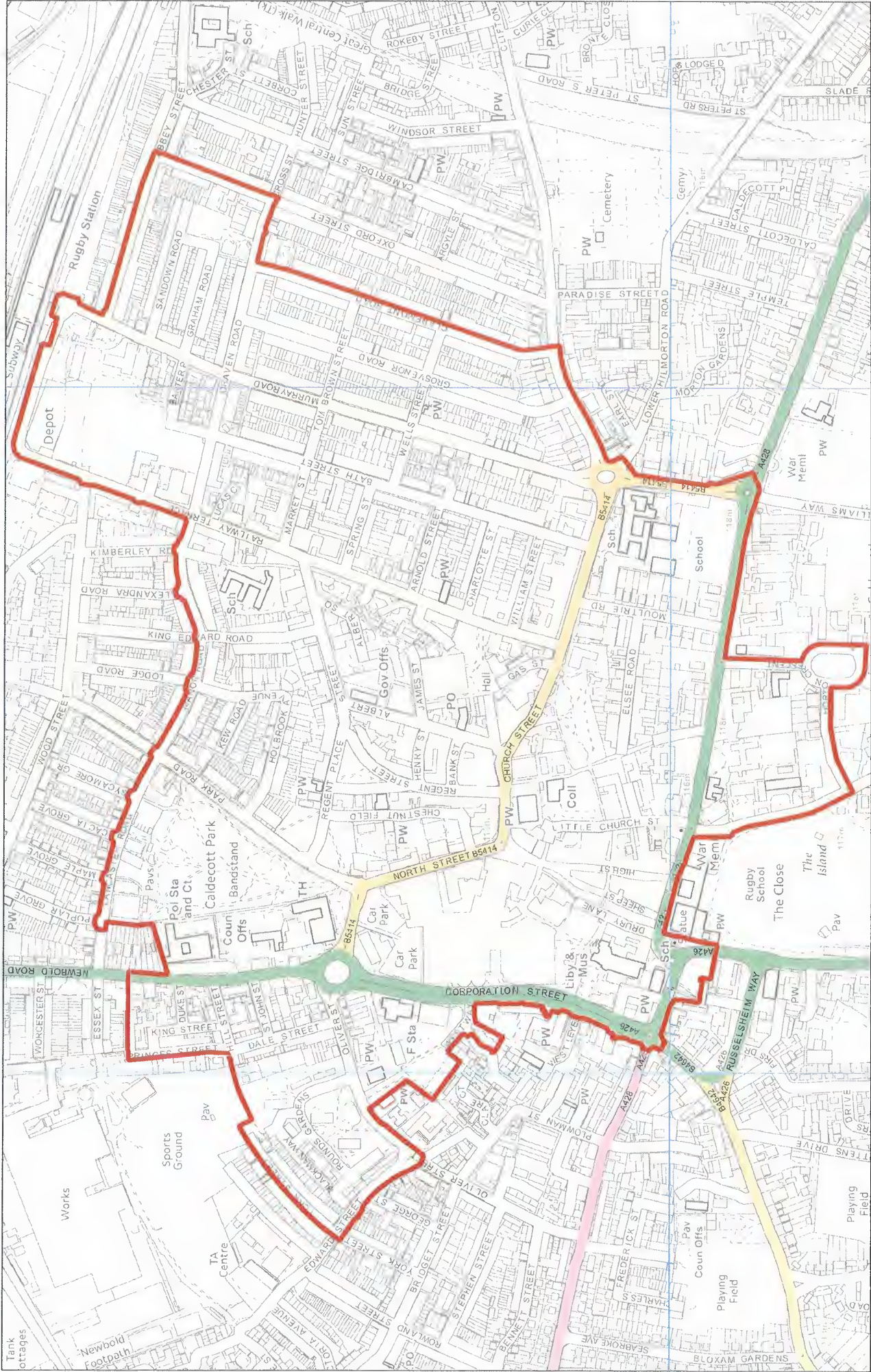
Alcohol – Section 63 of the Act says that where a constable or authorised person reasonably believes that you:

- a) Are or have been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances in which doing so would breach this order

The constable or authorised person may require you –

- a) Not to consume alcohol or anything they believe to be alcohol
- b) To surrender anything in your possession which is or reasonably believed to be alcohol or a container for alcohol.

If without reasonable excuse you fail to comply with a requirement imposed by a constable or authorised person you commit an offence and are liable on summary conviction to a fine not exceeding level 3 on the stand scale (**currently £1000**).



Scale 1:7,150
 Date March 2019
 Ordnance Survey 100019417

Rugby Borough Council
 Town Hall, Evreux Way CV21 2RR

PSPO map- intoxicating substances



Other substances – Section 67 of the Act says it is an offence for a person without reasonable excuse to

- a) Do anything that is prohibited by the Order
- b) Fail to comply with a requirement imposed by the Order

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (**currently £1000**)

Fixed Penalty Notice

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £75 if paid within 10 days).

4. 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 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 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 pending the Court's decision, in part

5. Duration

The Order will come into force on 3 October 2022 and remain in place for a period of three years.

THE COMMON SEAL of Rugby)
Borough Council was hereunto)
affixed the 28 day of September 2022)



Legal and Governance Manager



158/22