

MONMOUTHSHIRE COUNTY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

MONMOUTHSHIRE COUNTY COUNCIL (C74.5 FLY-TIPPING) PUBLIC SPACES PROTECTION ORDER 2024

Monmouthshire County Council (“the Council”) hereby makes the following Public Spaces Protection Order (“the Order”) in exercise of its powers under Section 59 and 64 of the Anti-Social Behaviour, Crime & Policing Act 2014 (“the Act”).

- 1) This Order may be cited as the **Monmouthshire County Council (C74.5 Fly-Tipping) Public Spaces Protection Order 2024** (The Order).
- 2) This Order will come into force on XXXXX and will remain in force for a period of three years unless varied or discharged by further orders of the Council.
- 3) The Order relates to the highway and land as shown on the attached plan, being a public place in the County of Monmouthshire to which this order applies.

THE ANTI-SOCIAL BEHAVIOUR

- 4) There have been continuing and ongoing incidents of fly tipping (the activities) on land accessed from the C74.5, off the B4245, Undy. The authority is satisfied that the conditions as set out in S59 of the act are met in that
 - i. The activities have a detrimental effect 59(2) on the quality of life of those in the locality; and are
 - ii. Of a persistent and continuing nature, unreasonable by their nature and justify the restrictions implemented by this order S59(3); and
 - iii. The activities are being carried out in a public place.

EFFECT OF THE ORDER

- 5) The order shall bring into effect the following provisions:
 - i. Access to the road (the restricted area) will be secured by a gate over the partial width of the highway, preventing vehicular use while maintaining pedestrian access, the responsibility for maintenance of which shall lie with the authority.
 - ii. Key holders will be authorised at the discretion of the Council. The authority reserves the right to issue additional keys should the need arise. Any individual or organisation requiring a key should apply to mccgroundsandcleansing@monmouthshire.gov.uk in the first instance.
 - iii. The gate shall remain locked when access is not in use.

- iv. Police, Fire and Ambulance and other emergency services acting in pursuance of statutory powers or duties shall be exempt from the provisions of this order.

THE OFFENCES

- 6) The following offences shall be created by this order:
 - i. Excepting for authorised individuals, no one shall be permitted to enter the restricted area in a motor vehicle.
 - ii. Key holders shall not copy the key or allow any other person to access the restricted area.
 - iii. Key holders shall not allow access to anyone not authorised under this order

PENALTIES

- 7) Any person, who, without reasonable excuse, fails to comply with the requirements of this order commits an offence under the section 67 of the Act and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale. Alternatively, a constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67.

APPEALS

- 8) The council is satisfied that the conditions set out in sections 59, 64 and 71 of the Act have been fulfilled and that it is, in all the circumstances, expedient to make this order for the purposes of reducing anti-social behaviour in the restricted area.
- 9) If any interested person desires to question the validity of this order on the grounds that the council had no power to make it or that any requirement of the Act has not been complied with in relation to this order, he or she may apply to the High Court within six weeks from the date on which the order is made.

Dated this day of 2024

THE COMMON SEAL OF MONMOUTHSHIRE
COUNTY COUNCIL was hereunto affixed in the)
presence of: -)

Authorised Signatory