Caerphilly County Borough Council
Anti-Social Behaviour, Crime & Policing Act 2014

Caerphilly County Borough Council (Gating) Public Spaces Protection Order 2018

Caerphilly County Borough Council ("the Council") hereby makes this Public Spaces Protection Order ("the Order") in exercise of its powers under Sections 59 and 64 the Anti-Social Behaviour, Crime & Policing Act 2014 ("the Act") and all other enabling powers to reduce crime and anti-social behaviour taking place on, or facilitated by the existence of, the public highway. This Order may be cited as the Caerphilly County Borough Council (Gating) Public Spaces Protection Order 2018.

BY THIS ORDER:

1. The publicly maintained highway more particularly described in the First Schedule ("the Highway") being a public space within the Council's area to which the Act applies, will be restricted at all times for all classes of user other than those users by foot, pedal cycle or on horse, and all those specifically exempted under article 5 of this Order, by the erection of barriers or gates shown marked by an 'X' on the Plan.

2. The Council is satisfied that:
   (a) premises adjoining or adjacent to the highway are likely to be affected by crime or anti-social behaviour which is detrimental to the quality of life of the local community;
   (b) there is available a reasonable available alternative route to the Highway more particular described in the Second Schedule;
   (c) the existence of the Highway is likely to facilitate the persistent commission of criminal offences or anti-social behaviour;
   (d) the antisocial behaviour is unreasonable;
   (e) it is in all circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.

3. The person responsible for erecting and maintaining a gate or barrier is Highway Operations, Caerphilly County Borough Council, Ty Tredomen, Ystrad Mynach, Hengoed, CF82 7PG.

4. This Order will remain in force for a period of 3 years from the 8th January 2019, unless extended by further Orders or revoked by the Council in accordance with its statutory powers.

Exemptions

5. Nothing in this Order shall apply to:

   (a) Police, Fire, Ambulance and other emergency services;
   (b) Statutory Undertakers with equipment situated under, over, along or in the Highway;
   (c) The Council's Officers, contractors, and other person authorised by it for the purpose of purpose of carrying out works or repair and maintenance to the Highway;
   (d) Any owner or occupiers of any premises adjoining or adjacent to the Highway including any person with the benefit of rights of common;

   who shall be provided with a key for operation of the barrier or gate.
Penalties

6. A person who is guilty of an offence of failing to comply with a requirement of this Order will be liable, on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Fixed Penalties

7. A constable or person authorised by the Council may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence under this Order. A person will have 14 days to pay the fixed penalty of £100 or a discounted amount of £75 if paid within 7 days. Failure to pay the fixed penalty will result in prosecution.

Appeals

8. 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 any of the areas affected by this Order. 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; either that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or, that a requirement of the legislation was not complied with in relation to the Order.

Dated the 27th day of November 2018

The Common Seal of
Caerphilly County Borough Council was hereunto affixed
in the presence of:

[Signature]
Authorised Officer
FIRST SCHEDULE
Description of Highway

An unclassified highway known as Mountain Road from Pontllottyn to Bargoed leading from its junction with Fochriw Road to Capel y Brithdir and comprising a length of approximately 5.4 kilometres and depicted by a black and red line on the annexed plan. The location of the barrier or gate is shown at the points marked by an 'X'.

SECOND SCHEDULE
Alternative Route

An alternative route is available via the A469 Northern Rhymney valley link between Pontllottyn and Tirphil/Brithdir
ANNEX
Plan