



Broxtowe Borough COUNCIL

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

PUBLIC SPACES PROTECTION ORDER

BROXTOWE BOROUGH COUNCIL KNAPP AVENUE / MALTHOUSE CLOSE PUBLIC SPACES PROTECTION ORDER

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area to the rear of Knapp Avenue and Plumptre Way leading to Malthouse Close delineated red on the attached labelled plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Area:

ANTI-SOCIAL BEHAVIOUR

1. RESTRICTIONS/REQUIREMENTS:

Restriction over the public right of way to the rear of Knapp Avenue and Plumptre Way leading to Malthouse Close identified edged red on the attached plan.

Where a gate or barrier is installed it is required to remain locked and secure at all times except for passage and repassage for the Authorised Groups. Failure to do so would amount to a breach of this Order.

2. PERIOD FOR WHICH THE ORDER HAS EFFECT

This Order will come into force on day of

and lasts until day of

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

3. RESTRICTION OVER PUBLIC RIGHT OF WAY OVER HIGHWAY

In this Order "the Highway" means the highway at the location shown edged red on the attached plan.

The public right of way over the Highway is restricted at all times so that passage and repassage thereover may not occur to all persons, except:

- a) For occupiers of premises adjoining or adjacent to the Highway;
- b) Where the Highway is the only or principal means of access to a dwelling;
- c) Where the Highway is the only or principal means of access to premises used for business or recreational purposes during periods when the premises are normally used for those purposes;
- d) The Police, Fire and Rescue Service or Emergency Ambulance Services;
- e) A local authority undertaking a statutory duty; or
- f) Any statutory undertaker provider of gas, electricity or water services or communications provider which maintains apparatus in the Highway.

being the "Authorised Groups".

A gate or other barrier may be installed, operated and maintained at any point or points on the Highway as determined from time to time by the Authority. The responsible department for the maintenance and operation of the gates can be contacted on 0115-9177777.

An alternative route is Knapp Avenue to Church Street to Malthouse Close.

4. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

5. VALIDITY OF ORDERS

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 Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority 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 or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated

The Common Seal of
BROXTOWE BOROUGH COUNCIL
was affixed in the presence of :-

Proper Officer

Name _____

Position _____

Officer of the Council

Name _____

Position _____

APPENDIX

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) 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
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)